

BILL NO. G-78-09-27

GENERAL ORDINANCE NO. G-26-78

AN ORDINANCE OF THE CITY OF FORT WAYNE, INDIANA, CONCERNING THE CONSTRUCTION OF EXTENSIONS AND ADDITIONS TO THE WATERWORKS SYSTEM OWNED AND OPERATED BY SAID CITY, AUTHORIZING THE ISSUANCE OF REVENUE BONDS TO PROVIDE FOR THE COST THEREOF, AND MATTERS CONNECTED THEREWITH.

WHEREAS, the City of Fort Wayne is the Owner of and operates an unencumbered waterworks furnishing the public water supply to said City and its inhabitants; and

WHEREAS, the Board of Public Works, having the management of said waterworks, has determined, and the Council now finds, that said waterworks is in need of certain extensions and additions, consisting of renovating and expanding the water filtration plant and of making additions and improvements to the St. Joseph Dam and Pump Station; that said extensions and additions are required in order to protect properly the health, well-being and property of the City and its inhabitants; and

WHEREAS, the Board of Public Works has determined that the cost of the proposed extensions and additions, based upon construction bids received and estimates as to contingencies and incidental expenses, will be Eighteen Million Dollars (\$18,000,000), and has represented to the Council, and the Council now finds, that, subject to the approval of the Public Service Commission of Indiana, funds for said project should be provided by the issuance and sale of revenue bonds payable solely out of the revenues of said waterworks and not constituting a general obligation of the City; that such revenue bonds may be issued provided that the same are made on a parity with the bonds authorized by General Ordinance No. G-95-67, as amended by General Ordinances No. G-104-67 and G-110-67, and designated as "Waterworks Revenue Bonds of 1967", issued under date of November 1, 1967, and now outstanding in the amount of Two Million Seven Hundred Sixty-Five Thousand (\$2,765,000), maturing serially over a period ending on January 1, 2000, and the bonds authorized by General Ordinance No. G-29-68 and designated

1 as "Waterworks Revenue Bonds of 1968", issued under date of
2 December 1, 1968, and now outstanding in the amount of Two Million
3 Nine Hundred Sixty-Five Thousand Dollars (\$2,965,000), maturing
4 serially over a period ending on January 1, 2000; and that the
5 revenues of the City's waterworks will be sufficient to provide
6 for the operation and maintenance thereof, depreciation, and the
7 servicing of said outstanding revenue bonds and the revenue bonds
8 authorized by this ordinance, provided that the water rates and
9 charges are increased concurrently herewith; and that it would be
10 to the best interests of the City and its citizens to proceed with
11 the proposed extensions and additions to the City's waterworks;
12 now therefore,

13 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
14 WAYNE, INDIANA:

15 Section 1. That the City of Fort Wayne (hereinafter
16 sometimes referred to as the "City"), being the owner of and
17 engaged in operating an unencumbered waterworks supplying the City
18 and its inhabitants with water for public and domestic use, now
19 provide for certain needed extensions and additions to such water-
20 works and the payment for such extensions and additions by the
21 issuance of bonds payable from the revenues and receipts of said
22 waterworks, pursuant to and in the manner prescribed in the Indiana
23 Code of 1971, Title 19, Article 3, Chapter 17, and the laws
24 amendatory thereof and supplemental thereto (sometimes hereinafter
25 referred to as the "Act"). The terms "waterworks", "waterworks
26 system", and "system", wherever used in this ordinance shall be
27 construed to mean and include the existing waterworks owned by the
28 City of Fort Wayne, and all extensions, additions and improvements
29 thereto and replacements thereof now or subsequently constructed
30 or acquired.

31 Section 2. Said extensions and additions shall include
32 the renovating and expansion of the water filtration plant and
33 making of additions and improvements to the St. Joseph Dam and
34 Pump Station, all of which shall be constructed and installed in
35 accordance with the plans and specifications prepared by McNamee,

Porter and Seeley, consulting engineers of Ann Arbor, Michigan, which plans and specifications are made a part hereof by reference and are hereby approved. To provide for the issuance and sale of revenue bonds, the Board of Public Works in Resolution No. 66-133-23 dated August 16, 1978 has heretofore approved the employment of Ice, Miller, Donadio and Ryan as bond counsel, and agreement with William N. Salin to provide services relative to the undertakings herein authorized, and the employment of Bernard T. Perry as financial consultant, which Resolution and agreements are made a part hereof by reference and are hereby approved. The Board of Public Works is hereby authorized to proceed with the construction and installation of said extensions and additions, and to enter into all contracts necessary for such purpose in conformity with the provisions of this ordinance and of said Act; provided that the principal and interest of all bonds issued pursuant to this ordinance shall be paid solely and exclusively from the revenues of said waterworks system and that no bonds shall be issued or sold until the approval of the Public Service Commission of Indiana shall have been obtained for the issuance of such bonds, and said Commission shall have certified that the estimated income and revenues of the waterworks system under the increased rates, in addition to providing for operation, maintenance and depreciation of said system, are sufficient to pay the interest on and the principal of the outstanding bonds payable out of the revenues of the waterworks system and the interest on and principal of the bonds authorized by this ordinance. The Mayor and Board of Public Works are hereby authorized to file a proper petition with the Public Service Commission for the purpose of securing the required approval of said Commission.

Section 3. The income and revenues of the City's waterworks system shall be set aside into a separate and special fund to be used and applied in the maintenance and operation thereof, in establishing a depreciation account, and to the payment of the interest on and principal of the bonds authorized by General

1 Ordinance No. G-95-67 (as amended by General Ordinances No.
2 G-104-67 and G-110-67), and General Ordinance No. G-29-68, and
3 by this ordinance, and such other bonds as may be legally payable
4 out of the income and revenues of the waterworks, in accordance
5 with their respective priorities and provisions. The proportion of
6 the gross revenues of said waterworks that shall be paid into the
7 several accounts of said special fund, beginning as of the date of
8 issuance of the bonds herein authorized, is hereby fixed and
9 determined as follows:

10 (a) Operation and Maintenance Account. Sixty-one and
11 four tenths per cent (61.4%) of the gross revenues of said water-
12 works shall be set aside into the Operation and Maintenance Account,
13 and shall be used solely to pay the necessary costs of the reason-
14 able and proper operation and maintenance of the waterworks,
15 including any taxes required to be paid. The necessary cost of
16 the reasonable and proper operation and maintenance of the water-
17 works shall, in addition to the usual items chargeable to operation
18 and maintenance, be deemed to include payments to the Civil City
19 of Fort Wayne in lieu of taxes which would be payable if the
20 waterworks were a privately-owned utility; provided, however, that
21 no payments on account of said additional item shall be made which
22 will in any wise adversely affect or jeopardize the continued
23 operation of the waterworks or interfere with the payment of
24 current operating and maintenance charges as the same accrue. The
25 funds so set aside for operation and maintenance shall be applied
26 exclusively to that purpose until a surplus shall have been
27 accumulated in said account which will be equal to the cost of
28 maintaining and operating the system during the remainder of the
29 calendar, operating or fiscal year then current, and the cost of
30 maintaining and operating said system during the calendar,
31 operating or fiscal year then next ensuing. Any excess over such
32 surplus may be transferred to the Depreciation Account, or the
33 Bond and Interest Redemption Account hereinafter referred to.

1 (b) Depreciation Account. Twelve and two tenths per
2 cent (12.2%) of the gross revenues of said waterworks shall be set
3 aside into the Depreciation Account and shall be expended in making
4 good depreciation in the waterworks or in new construction,
5 extensions or additions to the property of the waterworks. Any
6 accumulations in said Depreciation Account not required for
7 immediate use may be invested in direct obligations of the United
8 States Government to the extent permitted by law, and if so
9 invested the income from the investment shall accrue to the
10 Depreciation Account. The funds in said account shall not be
11 used for any purpose other than as herein provided.

12 (c) Bond and Interest Redemption Account. Twenty-six
13 and four tenths per cent (26.4%) of the gross revenues of the
14 waterworks shall, as such revenues are received, be set apart and
15 paid into a special account to be identified as the "Bond and
16 Interest Redemption Account". The funds in said account shall be
17 used solely for the purpose of paying the interest on and principal
18 of the Waterworks Revenue Bonds of 1967, issued pursuant to General
19 Ordinance No. G-95-67 (as amended by General Ordinances No.
20 G-104-67 and G-110-67), the Waterworks Revenue Bonds of 1968,
21 issued pursuant to General Ordinance No. G-29-68, the bonds issued
22 pursuant to the provisions of this ordinance, and any bonds here-
23 after issued ranking on a parity therewith, to the extent required
24 for that purpose. If and when a surplus shall be created in said
25 Bond and Interest Redemption Account which shall be in excess of
26 the interest on and principal of the bonds, plus ten per cent (10%),
27 which are payable during the then current calendar, operating or
28 fiscal year, together with the amount of interest on and principal
29 of the bonds which will become due and payable during the calendar,
30 operating or fiscal year then next ensuing, then any excess over
31 such surplus may be transferred to either the Operation and Maintenance
32 Account or the Depreciation Account. In the event any of the
33 bonds payable out of said Bond and Interest Redemption Account shall be
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1 subject to redemption prior to maturity, any such excess over such
2 surplus may also be used in the redemption of outstanding bonds at
3 not more than the redemption prices and in accordance with the
4 redemption provisions applicable thereto.

5 All of the funds of said several accounts shall be
6 deposited in lawful depositories of the City and shall be continu-
7 ously held and secured, or invested as provided by the laws of
8 Indiana relating to the depositing, securing and holding, or
9 investing of public funds. In no event shall any of the revenues
10 of said waterworks be transferred or used for any purpose not
11 authorized by this ordinance or reasonably implied by the provi-
12 sions hereof, so long as there are outstanding any bonds payable
13 out of the income and revenues of the City's waterworks.

14 Section 4. For the purpose of procuring funds with
15 which to pay the cost of construction and installation of the
16 extensions and additions to its waterworks, the City shall issue
17 its revenue bonds under and pursuant to the provisions of the
18 ordinance and said Act, which bonds shall be payable only out of
19 the special Bond and Interest Redemption Account herein provided
20 for, and shall be designated as "Waterworks Revenue Bonds of 1978".
21 Said bonds shall be in a principal amount not exceeding Eighteen
22 Million Dollars (\$18,000,000), in the denomination of Five Thousand
23 Dollars (\$5,000) each, numbered consecutively from 1 up, dated as
24 of the first day of the month in which said bonds are sold, and
25 shall bear interest at a rate or rates not exceeding six and
26 one-half per cent (6-1/2%) per annum (the exact rate or rates to
27 be determined by bidding), which interest shall be payable semi-
28 annually on January 1 and July 1 of each year, beginning on
29 July 1, 1979, and shall be evidenced by coupons attached to
30 said bonds. Both bonds and interest coupons shall be payable at
31 the Indiana Bank and Trust Company of Fort Wayne, in the City of
32 Fort Wayne, Indiana, or, at the option of the holder, at the
33 American National Bank and Trust Company of Chicago, in the City
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of Chicago, Illinois, or at the Manufacturers Hanover Trust Company, in the Borough of Manhattan, City and State of New York, in lawful money of the United States of America, and said bonds shall mature serially on January 1 in the years and amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
1980	310,000	1988	525,000	1996	865,000
1981	330,000	1989	560,000	1997	915,000
1982	345,000	1990	595,000	1998	970,000
1983	370,000	1991	635,000	1999	965,000
1984	390,000	1992	675,000	2000	1,025,000
1985	425,000	1993	720,000	2001	1,555,000
1986	455,000	1994	770,000	2002	1,650,000
1987	490,000	1995	820,000	2003	1,640,000

The bonds of this issue maturing on January 1, 1990, and thereafter, shall be redeemable at the option of the City, in whole or in part, in inverse chronological order of maturity and by lot within a maturity, on July 1, 1989, or any interest payment date thereafter, at face value, together with the following premiums:

3% if redeemed on July 1, 1989, or thereafter on or before January 1, 1991;

2% if redeemed on July 1, 1991, or thereafter on or before January 1, 1996;

1% if redeemed on July 1, 1996, or thereafter prior to maturity;

plus in each case accrued interest to the date fixed for redemption.

Notice of such redemption shall be published at least thirty (30) days prior to the date fixed for redemption at least one time in a newspaper or financial journal of general circulation published in the City of Indianapolis, Indiana, and a financial journal of general circulation published in the City of New York, New York, and a like notice shall be sent by mail to the holders of such bonds as are then registered. The notice shall specify the date and place of redemption and the serial numbers of the bonds called for redemption. Interest on the bonds so called for redemption shall cease on the date fixed in said notice, if funds are available at the place of redemption to redeem the bonds when presented.

Section 5. Said bonds shall be executed in the name of the City by the facsimile signature of the Mayor, countersigned by

1 the facsimile signature of the City Controller, and attested by
2 the manual signature of the City Clerk, who shall affix the seal
3 of the City to each of said bonds. The interest coupons attached
4 to said bonds shall be executed by placing thereon the facsimile
5 signatures of the Mayor and City Controller, and said officials,
6 by the execution of said bonds, shall adopt as and for their own
7 proper signatures their facsimile signatures appearing on said
8 coupons. In case any officer whose signature appears on the bonds
9 and coupons shall cease to be such officer before the delivery of
10 such bonds, his signature shall nevertheless be valid and suffi-
11 cient for all purposes the same as if such officer had remained in
12 office until such delivery.

13 Said bonds shall be negotiable by delivery unless regis-
14 tered. Upon presentation of the bonds at the office of the City
15 Controller in the City of Fort Wayne, said City Controller shall
16 register said bonds without charge or expense to the holder, as to
17 the principal thereof. Such registry shall be noted on the bond,
18 after which no transfer thereof will be valid unless made by the
19 registered owner in person or by his attorney duly authorized and
20 similarly noted on the bond, but said bond may be discharged from
21 registry by being in like manner transferred to bearer, after which
22 it shall be transferable by delivery but may be again registered
23 as before. The registration of any bond shall not affect the
24 negotiability of the interest coupons attached thereto, but such
25 coupons shall continue to pass by delivery only and shall remain
26 payable to bearer.

27 Section 6. The form and tenor of said bonds, the inter-
28 est coupons to be attached thereto, and the form of registry
29 endorsement thereon shall be substantially as follows, to-wit:

1 UNITED STATES OF AMERICA
2 State of Indiana County of Allen

3 No. _____ \$5,000

4 CITY OF FORT WAYNE
5 WATERWORKS REVENUE BOND OF 1978

6 The City of Fort Wayne, in Allen County, State of
7 Indiana, for value received, hereby promises to pay to
8 the bearer, or if this bond be registered then to the
9 registered holder hereof, solely out of the special
10 revenue fund hereinafter referred to, the principal
11 amount of

12 FIVE THOUSAND DOLLARS

13 on the first day of January, 19__ (unless this bond be
14 subject to and be called for redemption prior to maturity
15 as hereinafter provided), and to pay interest thereon
16 from the date hereof until the principal is paid, at the
17 rate of _____ per cent (____%) per
18 annum, payable semi-annually on the first days of
19 January and July of each year, beginning July 1, 1979,
20 but only upon presentation and surrender of the annexed
21 interest coupons as they severally become due.

22 Both principal and interest of this bond are payable
23 in lawful money of the United States of America, at the
24 Indiana Bank and Trust Company of Fort Wayne, in the City
25 of Fort Wayne, Indiana, or, at the option of the holder,
26 at the American National Bank and Trust Company of Chicago,
27 in the City of Chicago, Illinois, or at the Manufacturers
28 Hanover Trust Company, in the Borough of Manhattan, City
29 and State of New York.

30 This bond is one of an authorized issue of thirty-six
31 hundred (3,600) bonds of the City of Fort Wayne, of like
32 date, denomination, tenor and effect, except as to rates
33 of interest and dates of maturity, in the total amount of
34 Eighteen Million Dollars (\$18,000,000), numbered consecu-
35 tively from 1 to 3600 inclusive, issued for the purpose
of providing funds to pay the cost of extensions and
additions to the municipally owned waterworks of said
City, pursuant to an ordinance passed by the Common Council
of said City on the _____ day of _____, 197__,
entitled "An Ordinance of the City of Fort Wayne, Indiana,
concerning the construction of extensions and additions to
the waterworks system owned and operated by said City,
authorizing the issuance of revenue bonds to provide for
the cost thereof, and matters connected therewith", and
in strict compliance with the provisions of the governing
statutes, particularly Title 19, Article 3, Chapter 17 of
the Indiana Code, and all laws amendatory thereof or supple-
mental thereto.

36 The Principal of and interest on this bond and all
37 other bonds of said issue, certain Waterworks Revenue Bonds
38 of 1967, now outstanding in the principal amount of Two
39 Million Seven Hundred Sixty-Five Thousand Dollars (\$2,765,000)
40 issued under date of November 1, 1967, pursuant to General
41 Ordinance No. G-95-67, as amended by General Ordinances
42 No. G-104-67 and G-110-67, bearing interest at the rate of
43 five per cent (5%) per annum, and maturing over a period
44 ending on January 1, 2000, certain Waterworks Revenue Bonds

of 1968, now outstanding in the principal amount of Two Million Nine Hundred Sixty-Five Thousand Dollars (\$2,965,000), issued under date of December 1, 1968, pursuant to General Ordinance No. G-29-68, bearing interest at the rates of five and one-half per cent (5-1/2%) and five and forty hundredths per cent (5.40%) per annum, depending on the maturities, and maturing over a period ending on January 1, 2000, all ranking on a parity herewith, and any bonds hereafter issued ranking on a parity therewith, are equally and ratably secured by and constitute a charge upon twenty-seven per cent (27%) of the gross income and revenues of the municipally owned waterworks of the City, as the same now exists or may hereafter be improved or extended, which percentage of such income and revenues is to be deposited in a special account designated as the "Bond and Interest Redemption Account". The City shall not be obligated to pay said bonds or the interest thereon except from said special fund, and neither this bond nor the issue of which it is a part shall in any respect constitute a corporate indebtedness of the City within the provisions and limitations of the constitution of the State of Indiana.

The bonds of this issue maturing on January 1, 1990, and thereafter, are redeemable at the option of the City, in whole or in part, in inverse chronological order of maturity and by lot within a maturity, on July 1, 1989, or any interest payment date thereafter, at face value, together with the following premiums:

- 3% if redeemed on July 1, 1989, or thereafter on or before January 1, 1991;
- 2% if redeemed on July 1, 1993 or thereafter on or before January 1, 1996;
- 1% if redeemed on July 1, 1996, or thereafter prior to maturity;

plus in each case accrued interest to the date fixed for redemption; provided notice of such redemption shall be given at least thirty (30) days prior to the date fixed therefor by one publication in a newspaper or financial journal of general circulation published in the City of Indianapolis, Indiana, and a financial journal of general circulation published in the City of New York, New York, and a like notice be sent by mail to the holders of such bonds as are then registered. Interest on the bonds so called for redemption shall cease on the redemption date fixed in said notice, if sufficient funds are available at the place of redemption to redeem the bonds when presented in accordance with the terms thereof. The bonds so redeemed prior to maturity shall be surrendered for cancellation, together with all unmatured interest coupons appurtenant thereto.

The City covenants that it will, to the fullest extent permitted by law, fix, maintain and collect an aggregate of rates and charges for the services rendered by the City's waterworks system which will be sufficient to pay all costs of operation and maintenance of said system, to provide a proper and adequate depreciation account, and to create and maintain the sinking fund required for the payment of the interest on and principal of this issue of bonds and all other bonds payable from the revenues of the City's waterworks system, in accordance with the terms thereof, and that it will in all other respects

1 faithfully comply with all other provisions of the
2 ordinance and statute pursuant to which this bond is
3 issued. In the event the City shall make any default
4 in the payment of the principal of or interest on this
5 bond, the holder hereof shall have all of the rights
6 and remedies provided by the governing statutes,
7 including the right to compel the collection of suffi-
8 cient rates and charges to provide for the payment of
9 this bond and the interest thereon in accordance with
10 the terms hereof.

11 This bond may be registered in the name of the
12 owner in the manner and with the effect provided in the
13 ordinance hereinbefore referred to, but unless registered
14 this bond shall pass by delivery only. The registration
15 of this bond shall not affect the negotiability of the
16 interest coupons attached hereto, but said coupons shall
17 continue to pass by delivery merely and shall remain
18 payable to bearer.

19 It is hereby certified and recited that all acts,
20 conditions and things required to be done or to exist
21 precedent to and in the execution, issuance and delivery
22 of this bond have been done and performed and exist in
23 regular and due form as provided by law.

24 IN WITNESS WHEREOF, the City of Fort Wayne, in
25 Allen County, State of Indiana, has caused this bond to
26 be executed in its corporate name by the facsimile signature
27 of its duly elected, qualified and acting Mayor, counter-
28 signed by the facsimile signature of its duly appointed
29 City Controller, its corporate seal to be hereunto affixed
30 and attested by the manual signature of its duly elected,
31 qualified and acting City Clerk, and the interest coupons
32 attached hereto to be executed by placing thereon the
33 facsimile signatures of said Mayor and City Controller,
34 all of the first day of _____, 1978.

35 CITY OF FORT WAYNE

By _____ (facsimile)
Mayor

Countersigned: _____ (facsimile)
City Controller

Attest:

City Clerk

(Interest Coupon)

Coupon No. _____ \$ _____

On _____ 1, 19 ____
(unless the bond herein mentioned shall be subject to and
shall have been called for previous redemption), the City
of Fort Wayne, Indiana, will pay to bearer at the Indiana
Bank and Trust Company of Fort Wayne, in the City of Fort
Wayne, Indiana, or, at the option of the holder, at the
American National Bank and Trust Company of Chicago, in
the City of Chicago, Illinois, or the Manufacturers
Hanover Trust Company, in the Borough of Manhattan, City
and State of New York, out of its waterworks Bond and
Interest Redemption Account, the amount shown hereon, in
lawful money of the United States of America, being the
interest then due on its Waterworks Revenue Bond of 1978,
dated _____ 1, 1978, No. _____.

CITY OF FORT WAYNE

By _____ (facsimile)
Mayor

City Controller (facsimile)

REGISTRATION ENDORSEMENT

This bond can be registered only at the office of the City Controller of the City of Fort Wayne, Indiana. No writing hereon except by the City Controller.

Date of Registry	In Whose Name Registered	City Controller
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_____	_____	_____
_____	_____	_____

Section 7. The City Controller is hereby authorized and directed to have said bonds and coupons prepared, and the Mayor, City Controller and City Clerk are hereby authorized and directed to execute said bonds and the coupons to be attached thereto in the form and manner hereinbefore provided. The City Controller shall sell said bonds at public sale. Prior to the sale of the bonds, the City Controller shall cause to be published a notice of sale once each for two weeks in the Fort Wayne Journal Gazette and the Fort Wayne News-Sentinel, published in the City of Fort Wayne. The City Controller shall be authorized to publish said notice or a summary thereof in The Indianapolis Commercial, published in the City of Indianapolis, Indiana, and in the Bond Buyer, published in the City and State of New York. The City Controller shall be authorized to make such additional publication as he shall deem advisable. The date fixed for the sale shall not be earlier than seven (7) days after the last of said publications. The bond sale notice shall state the time and place of sale, the total amount of bonds, the maximum rate of interest thereon, the maturities thereof, the purpose for which the bonds are being issued, the terms and conditions upon which bids will be received and the sale made, and shall set out such other information as the City Controller, acting on the advice of the City Attorney and bond

1 counsel, shall deem necessary. All bids for said bonds shall be
2 sealed and shall be presented to the City Controller at his office.
3 Bidders shall be required to bid for all of the bonds and to name
4 the rate or rates of interest which the bonds are to bear, not
5 exceeding the maximum rate hereinbefore fixed. Such interest
6 rate or rates shall be in multiples of one-eighth ($1/8$) or
7 one-tenth ($1/10$) of one per cent (1%), and not more than four (4)
8 different interest rates shall be named by each bidder. A rate
9 may be repeated without constituting a different rate. Bids
10 specifying two or more interest rates shall also specify the amount
11 and maturities of the bonds bearing each rate, but all bonds
12 maturing on the same date shall bear the same rate. Each bid
13 shall be accompanied by a certified or cashier's check, payable to
14 the City of Fort Wayne, in the amount of One Hundred Thousand
15 Dollars (\$100,000), as a guarantee of good faith. In the event
16 the successful bidder shall fail or refuse to accept delivery of
17 said bonds in accordance with his bid and the notice of sale,
18 then said check and the proceeds thereof shall be the property of
19 the City as its agreed liquidated damages. The City Controller
20 shall award the bonds to the highest qualified bidder. The
21 highest bidder shall be the one who offers the lowest net interest
22 cost to the City, to be determined by computing the total interest
23 on all of the bonds to their maturities and deducting therefrom
24 the premium bid, if any. No bid for less than the par value of
25 said bonds, including interest accrued to the date of delivery,
26 shall be considered. The City Controller shall have the right to
27 reject any and all bids. In the event no acceptable bid is
28 received at the time fixed in said notice for the sale of said
29 bonds, the City Controller shall be authorized to continue to
30 receive bids from day to day thereafter for a period of not to
31 exceed thirty (30) days without readvertisement; provided, however,
32 that if said sale be continued, no bid shall be accepted which is
33 lower than the highest bid received at the time fixed for said
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1 sale in the bond sale notice. Prior to the delivery of said bonds
2 the City Controller shall obtain a legal opinion as to the validity
3 of the bonds from Ice Miller Donadio & Ryan, bond counsel of
4 Indianapolis, acting as bond counsel for the City, and shall
5 furnish such opinion to the purchaser of the bonds. The fee of
6 such bond counsel and all other incidental expenses incurred in
7 connection with the issuance of the bonds authorized by this
8 ordinance shall be paid out of the proceeds of said bonds.

9 Section 8. In the event it shall be hereafter determined
10 that it is not necessary to issue all of the bonds authorized by
11 this ordinance, or the Public Service Commission shall not approve
12 the issuance of said total amount of bonds, the City Controller
13 shall be authorized to sell and deliver a lesser amount of bonds
14 than herein authorized, in which case the bonds not sold or
15 delivered shall be of the last maturity or maturities.

16 The bonds herein authorized, when fully paid for and
17 delivered to the purchaser, shall be the binding and special
18 obligations of the City, payable out of the income and revenues of
19 the waterworks system of said City according to their tenor and
20 effect, and the proceeds derived from the sale of said bonds shall
21 be and are hereby set aside for the purpose of paying the cost of
22 construction and installation of the aforesaid extensions and
23 additions to said waterworks and the expense necessarily incurred
24 in connection with the issuance and sale of the bonds. The proper
25 officers of the City are hereby directed to draw all proper and
26 necessary warrants, and to do all acts and things which may be
27 necessary to carry out the provisions of this ordinance.

28 Section 9. Any accrued interest and any premium
29 received at the time of the delivery of the bonds shall be deposited
30 in the Bond and Interest Redemption Account hereinbefore referred
31 to. The remaining proceeds from the sale of the bonds shall, upon
32 receipt, be deposited in a bank or banks which are legally
33 designated and qualified depositories for the funds of the City,
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1 in a special account or accounts to be designated as "City of
2 Fort Wayne, 1978 Waterworks Construction Account". The funds in
3 each of such special accounts shall be deposited, secured, and
4 held, or invested as provided by the laws of the State of Indiana
5 relating to the depositing, securing and holding, or investing
6 of public funds. The funds in such special account or accounts
7 and any income derived from the investment thereof shall be
8 expended only for the purpose of paying the cost of the extensions
9 and additions to said waterworks as herein authorized, the
10 incidental expenses incurred in connection therewith and with the
11 issuance of bonds, including legal fees, and for the payment of
12 interest accruing on the bonds during the period of construction,
13 if required for that purpose. Any balance or balances remaining
14 unexpended in such special account or accounts after the completion
15 of the work, which are not required to meet unpaid obligations
16 incurred in connection with the construction of the work, shall be
17 deposited in the Bond and Interest Redemption Account within
18 sixty (60) days after completion of the project.

19 Section 10. The City shall keep proper books of records
20 and accounts, separate from all of its other records and accounts,
21 in which complete and correct entries shall be made showing all
22 revenues collected from said waterworks and deposited in the
23 special accounts hereinbefore established and all disbursements
24 made therefrom and all transactions relating to said waterworks.
25 There shall be prepared and furnished to the original purchaser
26 of the bonds, and, upon written request, to any holder of the bonds,
27 not more than sixty (60) days after the close of each annual
28 fiscal period, operating and income statements and balance sheets
29 of the waterworks, in reasonable detail, covering such annual
30 fiscal period, together with a statement of the balances as of the
31 close of such fiscal year in each of the accounts hereinbefore
32 referred to in this ordinance, which statements shall be prepared
33 by an independent certified public accountant. Such annual
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1 statements shall also include the comments of said accountant
2 relative to the manner in which the City has carried out the
3 requirements of this ordinance and any other ordinances authorizing
4 then outstanding bonds. The fees or charges of such accountant
5 shall be deemed to be a cost of operation and maintenance of the
6 waterworks. Copies of all such statements and reports shall at
7 all times be kept on file in the office of the City Controller.
8 Any holder of the bonds shall have the right at all reasonable
9 times to inspect the waterworks and the records, accounts and data
10 of the City relating thereto. Such inspections may be made by
11 representatives duly authorized by written instrument.

12 Section 11. The City shall, to the fullest extent
13 permitted by law, establish, maintain and collect reasonable and
14 just rates and charges for the services and facilities afforded by
15 said waterworks which will provide revenues at least sufficient to
16 pay the reasonable and proper cost of the maintenance and operation
17 of the waterworks, to provide a proper and reasonable depreciation
18 account, and to pay the principal of and interest on all bonds
19 payable from the revenues of the waterworks as the same become due,
20 and provide a surplus or margin of ten per cent (10%) of the
21 principal and interest due each year, which shall be cumulative.
22 So long as any of the bonds herein authorized are outstanding,
23 none of the facilities and services afforded by said waterworks
24 shall be furnished without a reasonable and just charge being made
25 therefor. The reasonable value of any service rendered to the
26 City, or to any department, agency or instrumentality thereof,
27 including the use of water for hydrants for fire protection or
28 for any other purpose, shall be charged against the City and shall
29 be paid for as the charges accrue, and the revenues so received
30 shall be deemed to be revenues derived from the operation of the
31 waterworks and shall be used and accounted for in the same manner
32 as other revenues derived from the operation of the waterworks.

Section 12. The City reserves the right to authorize and issue additional bonds, payable out of the revenues of the waterworks, ranking on a parity with the bonds authorized by this ordinance, for the purpose of financing the cost of future construction, additions, extensions and improvements to the waterworks, or the refunding of bonds payable from the revenues of the waterworks, subject to the following conditions:

(a) The interest on and principal of all bonds payable from the revenues of the waterworks shall have been paid to date in accordance with the terms thereof, and all required payments into the Bond and Interest Redemption Account have been made in accordance with the provisions of this ordinance.

(b) (1) The amount of gross revenues of the waterworks allocated by Section 3(c) of this ordinance to and deposited in the Bond and Interest Redemption Account in the calendar year immediately preceding the issuance of any such additional parity bonds shall be not less than one hundred twenty-five per cent (125%) of the maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued, during the life of said outstanding bonds; or

(2) Prior to the issuance of said parity bonds, the proportion of the gross revenues allocated to said Bond and Interest Redemption Account shall be increased sufficiently so that said increased proportion applied to the previous calendar year's gross revenues would have produced revenues in said Bond and Interest Redemption Account for said year equal to not less than one hundred twenty-five per cent (125%) of the maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued, during the life of said outstanding bonds; or

(3) Prior to the issuance of said parity bonds, the water rates and charges shall be increased sufficiently and the proportion of gross revenues allocated to said Bond and Interest

1 Redemption Account increased sufficiently so that said increased
2 water rates and charges applied to the previous calendar year's
3 operations would have produced gross revenues in an amount so that
4 the proportion allocated to said Bond and Interest Redemption
5 Account for said year would have equaled not less than one hundred
6 twenty-five per cent (125%) of the maximum annual interest and
7 principal requirements of the then outstanding bonds and the
8 additional parity bonds proposed to be issued, during the life of
9 said outstanding bonds.

10 For the purposes of this subsection, the records of the
11 waterworks shall be analyzed and all showings shall be prepared
12 by an independent certified public accountant employed by the City
13 for that purpose, which accountant shall certify that he has no
14 pecuniary interest in the financing of the waterworks or improve-
15 ments thereto other than in the making of said analysis and the
16 preparation of said showings.

17 (c) The principal of the additional parity bonds shall
18 be payable annually on January 1 and the interest semi-annually
19 on January 1 and July 1 in the years in which principal and interest
20 are payable.

21 (d) To the extent required by law, the issuance of the
22 proposed additional parity bonds and any necessary increase in
23 water rates and charges shall have been approved by the Public
24 Service Commission of Indiana, or such successor body, if any, as
25 may be vested by law with authority to approve the issuance of
26 bonds payable from the revenues of municipal waterworks and
27 increases in rates and charges for the services afforded thereby.

28 Parity bonds may also be issued to refund less than all
29 of the then outstanding bonds issued pursuant to this ordinance
30 or ranking on a parity therewith, but any such refunding bonds
31 shall be subject to the conditions in this section unless the
32 bonds being refunded mature within three (3) months of the date
33 of such refunding and no other funds are available to pay such
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1 maturing bonds. In computing the maximum annual interest and
2 principal requirements pursuant to subsection (b), the interest
3 on and principal of the refunding bonds shall be substituted for
4 the interest on and principal of the bonds being refunded.

5 Section 13. For the purpose of further safeguarding
6 the interests of the holders of the bonds, it is specifically
7 provided as follows:

8 (a) All construction contracts shall be let to
9 responsible contractors who shall be required to furnish construc-
10 tion bonds in an amount equal to one hundred per cent (100%) of the
11 amount of such contracts, to insure the completion of such contracts
12 in accordance with their terms, and such contractors shall be
13 required to carry such employer's liability and public liability
14 insurance as are required under the laws of the State of Indiana
15 in the case of public contracts.

16 (b) The extensions and additions shall be contracted
17 for and constructed to the approval of the McNamee, Porter and
18 Seeley, consulting engineers of Ann Arbor, Michigan, now employed
19 by the City, or such other consulting engineers as may be hereafter
20 employed by the City. All estimates for work done and material
21 furnished shall first be checked by the consulting engineers before
22 being approved by the City.

23 (c) The City shall, at all times, maintain said
24 waterworks in good condition and operate the same in an efficient
25 manner and at a reasonable cost.

26 (d) So long as any of the bonds herein authorized are
27 outstanding, the City shall maintain insurance on the insurable
28 parts of the waterworks of a kind and in an amount such as is
29 usually carried by private companies engaged in a similar type of
30 business. All insurance shall be placed with responsible insur-
31 ance companies qualified to do business in the State of Indiana,
32 and any insurance proceeds collected shall be used in replacing
33 the property destroyed or damaged, or if not needed for that
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1 purpose, shall be placed in the Depreciation Account.

2 (e) So long as any of the bonds herein authorized are
3 outstanding, the City shall not mortgage, pledge or otherwise
4 encumber its waterworks or any part thereof, and shall not sell,
5 lease or otherwise dispose of any portion thereof except such
6 equipment which may become worn out or obsolete, and shall be
7 replaced; nor shall the City, except as provided in Section 12
8 hereof, execute or issue any additional bonds or other obligations
9 pledging any portion of the revenues of said waterworks unless the
10 same be made subordinate and junior in all respects to the bonds
11 heretofore issued and the bonds herein authorized, or unless all
12 of the bonds herein authorized are redeemed and cancelled
13 coincidentally with the delivery of such additional bonds or
14 other obligations, or the bonds have been duly called for redemp-
15 tion and funds sufficient to effect such redemption are available
16 and set aside at the place of redemption at the time of issuance
17 of such additional bonds.

18 (f) The provisions of this ordinance shall be construed
19 to create a trust in the proceeds derived from the sale of the
20 bonds herein authorized, for the uses and purposes herein set
21 forth, and so long as any of said bonds are outstanding, the
22 provisions of this ordinance shall also be construed to create a
23 trust in the fixed proportion of the revenues of the waterworks
24 herein directed to be set apart and paid into the Bond and Interest
25 Redemption Account for the uses and purposes of said account as in
26 this ordinance set forth.

27 (g) The provisions of this ordinance shall constitute
28 a contract by and between the City of Fort Wayne and the holders
29 of the bonds herein authorized, all of the terms of which shall be
30 enforceable in law or in equity, and after the issuance of the
31 bonds this ordinance shall not be repealed or amended in any
32 respect which will adversely affect the rights and interests of
33 the holders of said bonds, nor shall the Common Council of the City
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1 adopt any law, ordinance or resolution in any way adversely
2 affecting the rights of such holders so long as any of the bonds
3 or the interest thereon remain unpaid. The holders of the bonds
4 shall have all of the rights, remedies and privileges, either
5 expressly set forth in the provisions of IC 1971, 19-3-17, and
6 the laws amendatory thereof and supplemental thereto, or implied
7 therein, including the right to compel the collection of sufficient
8 rates and charges to provide for the payment of the bonds issued
9 hereunder and the interest thereon.

10 (h) None of the provisions of this ordinance shall be
11 construed as requiring the expenditure of any funds of the City
12 derived from any sources other than the proceeds of said bonds
13 and the revenues derived from the operation of said waterworks
14 system, and said bonds shall not in any respect constitute general
15 obligations of the City in its corporate capacity. Sums paid and
16 to be paid by the City to its waterworks as hydrant rental and
17 for water furnished shall be deemed to be payments by the City of
18 services rendered. The revenues so received by the waterworks
19 shall be deemed revenues derived from the operation of the water-
20 works.

21 Section 14. Subject to the terms and provisions con-
22 tained in this section, and not otherwise, the holders of not less
23 than sixty-six and two-thirds per cent (66-2/3%) in aggregate
24 principal amount of the bonds issued pursuant to this ordinance
25 and then outstanding shall have the right from time to time,
26 anything contained in this ordinance to the contrary notwithstand-
27 ing, to consent to and approve the adoption by the Common Council
28 of the City of Fort Wayne of such ordinance or ordinances
29 supplemental hereto, as shall be deemed necessary or desirable
30 by the City of Fort Wayne for the purpose of modifying, altering,
31 amending, adding to or rescinding in any particular any of the
32 terms or provisions contained in this ordinance, or in any
33 supplemental ordinance; provided, however, that nothing herein
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1 contained shall permit or be construed as permitting:

2 (a) An extension of the maturity of the principal
3 of or interest on any bond issued pursuant to this ordinance;
4 or

5 (b) A reduction in the principal amount of any bond
6 or the redemption premium or the rate of interest thereon;
7 or

8 (c) The creation of a lien upon or a pledge of the
9 revenues of the waterworks ranking prior to the pledge
10 thereof created by this ordinance; or

11 (d) A preference or priority of any bond or bonds
12 issued pursuant to this ordinance over any other bond or
13 bonds issued pursuant to the provisions of this ordinance;
14 or

15 (e) A reduction in the aggregate principal amount
16 of the bonds required for consent to such supplemental
17 ordinance.

18 The holders of not less than sixty-six and two-thirds per cent
19 (66-2/3%) in aggregate principal amount of the bonds outstanding
20 at the time of adoption of such supplemental ordinance shall have
21 consented to and approved the adoption thereof by written instru-
22 ment to be maintained on file in the office of the City Clerk of
23 the City of Fort Wayne. No holder of any bond issued pursuant to
24 this ordinance shall have any right to object to the adoption of
25 such supplemental ordinance or to object to any of the terms and
26 provisions contained therein or the operation thereof, or in any
27 manner to question the propriety of the adoption thereof, or to
28 enjoin or restrain the Common Council of the City of Fort Wayne
29 from adopting the same, or from taking any action pursuant to the
30 provisions thereof. Upon the adoption of any supplemental
31 ordinance pursuant to the provisions of this section, this
32 ordinance shall be, and shall be deemed, modified and amended in
33 accordance therewith, and the respective rights, duties and
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Obligations under this ordinance of the City of Fort Wayne and all holders of bonds issued pursuant to the provisions of this ordinance then outstanding, shall thereafter be determined exercised and enforced in accordance with this ordinance, subject in all respects to such modifications and amendments. Notwithstanding anything contained in the foregoing provisions of this ordinance, the rights and obligations of the City and of the holders of the bonds authorized by this ordinance, or any supplemental ordinance, may be modified or altered in any respect with the consent of the City of Fort Wayne and the consent of the holders of all the bonds issued pursuant to this ordinance then outstanding.

Section 15. All ordinances and parts of ordinances in conflict herewith are hereby repealed; provided, however, that none of the provisions of this ordinance shall be so construed as to repeal or modify the provisions of General Ordinances No. G-95-67, as amended by General Ordinances No. G-104-67 and No. G-110-67 and General Ordinance No. G-29-68, so as to affect adversely the rights, interests or priorities of the holders of the outstanding revenue bonds issued pursuant to said ordinances.

Section 16. This ordinance shall be in full force and effect from and after its passage.


Councilman

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage. Passed on the following vote:

Ayes:
Nays:
Absent:
Date:

City Clerk

1 Passed and adopted by the Common Council of the City of
2 Fort Wayne, Indiana, as Ordinance No. _____ on the _____ day
3 of _____, 197__.

4
5 _____
Presiding Officer

6 Attest:

7
8 _____
City Clerk

9 Presented by me to the Mayor of the City of Fort Wayne,
10 Indiana, on the _____ day of _____, 197__, at the hour of
11 _____ .M., E.S.T.

12 _____
City Clerk

13 Approved and signed by me this _____ day of
14 _____, 197__, at the hour of _____ .M.,
15 E.S.T.

16
17 _____
Mayor

18
19
20
21
22 Approved as to form and legality by:

23
24 
25 _____
City Attorney

Read the first time in full and on motion by Burns, seconded by

Hinga, and duly adopted, read the second time by title and referred to the Committee on City Utilities (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 9/12/78

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by Burns, seconded by H. Stier, and duly adopted, placed on its passage.

PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>0</u>	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>HINGA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HUNTER</u>	<u>✓</u>	_____	_____	_____	_____
<u>MOSES</u>	<u>✓</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 9-26-78

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. 9-26-78 on the 26th day of September, 1978.

ATTEST: (SEAL)

Charles W. Westerman
CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of September, 1978 at the hour of 11:30 o'clock A. M., E.S.T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this 28th day of September, 1978, at the hour of 10 o'clock _____ M., E.S.T.

Rahat Elmshong
MAYOR

Bill No. G-78-09-27

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance

OF THE CITY OF FORT WAYNE, INDIANA, CONCERNING THE CONSTRUCTION OF
EXTENSIONS AND ADDITIONS TO THE WATERWORKS SYSTEM OWNED AND OPERATED BY SAID
CITY, AUTHORIZING THE ISSUANCE OF REVENUE BONDS TO PROVIDE FOR THE COST
THEREOF, AND MATTERS CONNECTED THEREWITH

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance DO PASS.

PAUL M. BURNS - CHAIRMAN

JAMES S. STIER - VICE CHAIRMAN

VIVIAN G. SCHMIDT

WINFIELD C. MOSES, JR.

FREDRICK R. HUNTER

James S. Stier
Vivian G. Schmidt
Winfield C. Moses, Jr.
Fredrick R. Hunter

9-26-78

CLERK OF THE BOARD OF CITY CLERK

1
2
3 BILL NO. G-78-09- 27.

4 GENERAL ORDINANCE NO. G- 26-78

5 AN ORDINANCE OF THE CITY OF FORT WAYNE, INDIANA,
6 CONCERNING THE CONSTRUCTION OF EXTENSIONS AND
7 ADDITIONS TO THE WATERWORKS SYSTEM OWNED AND
8 OPERATED BY SAID CITY, AUTHORIZING THE ISSUANCE
9 OF REVENUE BONDS TO PROVIDE FOR THE COST THEREOF,
10 AND MATTERS CONNECTED THEREWITH.

11 WHEREAS, the City of Fort Wayne is the Owner of and
12 operates an unencumbered waterworks furnishing the public water
13 supply to said City and its inhabitants; and

14 WHEREAS, the Board of Public Works, having the manage-
15 ment of said waterworks, has determined, and the Council now finds,
16 that said waterworks is in need of certain extensions and additions,
17 consisting of renovating and expanding the water filtration plant
18 and of making additions and improvements to the St. Joseph Dam and
19 Pump Station; that said extensions and additions are required in
20 order to protect properly the health, well-being and property of
21 the City and its inhabitants; and

22 WHEREAS, the Board of Public Works has determined that
23 the cost of the proposed extensions and additions, based upon
24 construction bids received and estimates as to contingencies and
25 incidental expenses, will be Eighteen Million Dollars (\$18,000,000),
26 and has represented to the Council, and the Council now finds,
27 that, subject to the approval of the Public Service Commission of
28 Indiana, funds for said project should be provided by the issuance
29 and sale of revenue bonds payable solely out of the revenues of
30 said waterworks and not constituting a general obligation of the
31 City; that such revenue bonds may be issued provided that the same
32 are made on a parity with the bonds authorized by General Ordinance
33 No. G-95-67, as amended by General Ordinances No. G-104-67 and
34 G-110-67, and designated as "Waterworks Revenue Bonds of 1967",
35 issued under date of November 1, 1967, and now outstanding in the
amount of Two Million Eight Hundred Forty-Five Thousand (\$2,845,000),
maturing serially over a period ending on January 1, 2000, and the
bonds authorized by General Ordinance No. G-29-68 and designated

as "Waterworks Revenue Bonds of 1968", issued under date of December 1, 1968, and now outstanding in the amount of Three Million Forty-Five Thousand Dollars (\$3,045,000), maturing serially over a period ending on January 1, 2000; and that the revenues of the City's waterworks will be sufficient to provide for the operation and maintenance thereof, depreciation, and the servicing of said outstanding revenue bonds and the revenue bonds authorized by this ordinance, provided that the water rates and charges are increased concurrently herewith; and that it would be to the best interests of the City and its citizens to proceed with the proposed extensions and additions to the City's waterworks; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the City of Fort Wayne (hereinafter sometimes referred to as the "City"), being the owner of and engaged in operating an unencumbered waterworks supplying the City and its inhabitants with water for public and domestic use, now provide for certain needed extensions and additions to such waterworks and the payment for such extensions and additions by the issuance of bonds payable from the revenues and receipts of said waterworks, pursuant to and in the manner prescribed in the Indiana Code of 1971, Title 19, Article 3, Chapter 17, and the laws amendatory thereof and supplemental thereto (sometimes hereinafter referred to as the "Act"). The terms "waterworks", "waterworks system", and "system", wherever used in this ordinance shall be construed to mean and include the existing waterworks owned by the City of Fort Wayne, and all extensions, additions and improvements thereto and replacements thereof now or subsequently constructed or acquired.

Section 2. Said extensions and additions shall include the renovating and expansion of the water filtration plant and making of additions and improvements to the St. Joseph Dam and Pump Station, all of which shall be constructed and installed in accordance with the plans and specifications prepared by McNamee,

1 Porter and Seeley, consulting engineers of Ann Arbor, Michigan,
2 which plans and specifications are made a part hereof by reference
3 and are hereby approved. To provide for the issuance and sale of
4 revenue bonds, and to approve Ice Miller Donadio and Ryan as bond
5 counsel and the agreement for William N. Salin to provide for the
6 undertaking herein authorized and approve Bernard T. Perry as
7 financial consultant as set out in a Resolution No. 66-133-23 of
8 said Board dated August 16, 1978, which agreements referred to are
9 made a part hereof by reference and are hereby approved. The
10 Board of Public Works is hereby authorized to proceed with the
11 construction and installation of said extensions and additions,
12 and to enter into all contracts necessary for such purpose in
13 conformity with the provisions of this ordinance and of said Act;
14 provided that the principal and interest of all bonds issued
15 pursuant to this ordinance shall be paid solely and exclusively
16 from the revenues of said waterworks system and that no bonds shall
17 be issued or sold until the approval of the Public Service Commis-
18 sion of Indiana shall have been obtained for the issuance of such
19 bonds, and said Commission shall have certified that the estimated
20 income and revenues of the waterworks system under the increased
21 rates, in addition to providing for operation, maintenance and
22 depreciation of said system, are sufficient to pay the interest on
23 and the principal of the outstanding bonds payable out of the
24 revenues of the waterworks system and the interest on and principal
25 of the bonds authorized by this ordinance. The Mayor and Board
26 of Public Works are hereby authorized to file a proper petition
27 with the Public Service Commission for the purpose of securing the
28 required approval of said Commission.

29 Section 3. The income and revenues of the City's water-
30 works system shall be set aside into a separate and special fund
31 to be used and applied in the maintenance and operation thereof,
32 in establishing a depreciation account, and to the payment of the
33 interest on and principal of the bonds authorized by General
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1 subject to redemption prior to maturity, any such excess over such
2 surplus may also be used in the redemption of outstanding bonds at
3 not more than the redemption prices and in accordance with the
4 redemption provisions applicable thereto.

5 All of the funds of said several accounts shall be
6 deposited in lawful depositories of the City and shall be continu-
7 ously held and secured, or invested as provided by the laws of
8 Indiana relating to the depositing, securing and holding, or
9 investing of public funds. In no event shall any of the revenues
10 of said waterworks be transferred or used for any purpose not
11 authorized by this ordinance or reasonably implied by the provi-
12 sions hereof, so long as there are outstanding any bonds payable
13 out of the income and revenues of the City's waterworks.

14 Section 4. For the purpose of procuring funds with
15 which to pay the cost of construction and installation of the
16 extensions and additions to its waterworks, the City shall issue
17 its revenue bonds under and pursuant to the provisions of this
18 ordinance and said Act, which bonds shall be payable only out of
19 the special Bond and Interest Redemption Account herein provided
20 for, and shall be designated as "Waterworks Revenue Bonds of 1978".
21 Said bonds shall be in a principal amount not exceeding Eighteen
22 Million Dollars (\$18,000,000), in the denomination of Five Thousand
23 Dollars (\$5,000) each, numbered consecutively from 1 up, dated as
24 of the first day of the month in which said bonds are sold, and
25 shall bear interest at a rate or rates not exceeding six and
26 one-half per cent (6-1/2%) per annum (the exact rate or rates to
27 be determined by bidding), which interest shall be payable semi-
28 annually on January 1 and July 1 of each year, beginning on
29 January 1, 1979, and shall be evidenced by coupons attached to
30 said bonds. Both bonds and interest coupons shall be payable at
31 the Indiana Bank and Trust Company of Fort Wayne, in the City of
32 Fort Wayne, Indiana, or, at the option of the holder, at the
33 American National Bank and Trust Company of Chicago, in the City
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1 UNITED STATES OF AMERICA
2 State of Indiana County of Allen

3 No. _____ \$5,000

4 CITY OF FORT WAYNE
5 WATERWORKS REVENUE BOND OF 1978

6 The City of Fort Wayne, in Allen County, State of
7 Indiana, for value received, hereby promises to pay to
8 the bearer, or if this bond be registered then to the
9 registered holder hereof, solely out of the special
10 revenue fund hereinafter referred to, the principal
11 amount of

12 FIVE THOUSAND DOLLARS

13 on the first day of January, 19__ (unless this bond be
14 subject to and be called for redemption prior to maturity
15 as hereinafter provided), and to pay interest thereon
16 from the date hereof until the principal is paid, at the
17 rate of _____ per cent (____%) per
18 annum, payable semi-annually on the first days of
19 January and July of each year, beginning January 1, 1979,
20 but only upon presentation and surrender of the annexed
21 interest coupons as they severally become due.

22 Both principal and interest of this bond are payable
23 in lawful money of the United States of America, at the
24 Indiana Bank and Trust Company of Fort Wayne, in the City
25 of Fort Wayne, Indiana, or, at the option of the holder,
26 at the American National Bank and Trust Company of Chicago,
27 in the City of Chicago, Illinois, or at the Manufacturers
28 Hanover Trust Company, in the Borough of Manhattan, City
29 and State of New York.

30 This bond is one of an authorized issue of thirty-six
31 hundred (3,600) bonds of the City of Fort Wayne, of like
32 date, denomination, tenor and effect, except as to rates
33 of interest and dates of maturity, in the total amount of
34 Eighteen Million Dollars (\$18,000,000), numbered consecu-
35 tively from 1 to 3600 inclusive, issued for the purpose
of providing funds to pay the cost of extensions and
additions to the municipally owned waterworks of said
City, pursuant to an ordinance passed by the Common Council
of said City on the _____ day of _____, 197__,
entitled "An Ordinance of the City of Fort Wayne, Indiana,
concerning the construction of extensions and additions to
the waterworks system owned and operated by said City,
authorizing the issuance of revenue bonds to provide for
the cost thereof, and matters connected therewith", and
in strict compliance with the provisions of the governing
statutes, particularly Title 19, Article 3, Chapter 17 of
the Indiana Code of 1971, and all laws amendatory thereof
or supplemental thereto.

36 The Principal of and interest on this bond and all
37 other bonds of said issue, certain Waterworks Revenue Bonds
38 of 1967, now outstanding in the principal amount of Two
39 Million Eight Hundred Forty-Five Thousand Dollars (\$2,845,000)
40 issued under date of November 1, 1967, pursuant to General
41 Ordinance No. G-95-67, as amended by General Ordinances
42 No. G-104-67 and G-110-67, bearing interest at the rate of
43 five per cent (5%) per annum, and maturing over a period
44 ending on January 1, 2000, certain Waterworks Revenue Bonds

of 1968, now outstanding in the principal amount of Three Million Forty-Five Thousand Dollars (\$3,045,000), issued under date of December 1, 1968, pursuant to General Ordinance No. G-29-68, bearing interest at the rates of five and one-half per cent (5-1/2%) and five and forty hundredths per cent (5.40%) per annum, depending on the maturities, and maturing over a period ending on January 1, 2000, all ranking on a parity herewith, and any bonds hereafter issued ranking on a parity therewith, are equally and ratably secured by and constitute a charge upon twenty-seven per cent (27%) of the gross income and revenues of the municipally owned waterworks of the City, as the same now exists or may hereafter be improved or extended, which percentage of such income and revenues is to be deposited in a special account designated as the "Bond and Interest Redemption Account". The City shall not be obligated to pay said bonds or the interest thereon except from said special fund, and neither this bond nor the issue of which it is a part shall in any respect constitute a corporate indebtedness of the City within the provisions and limitations of the constitution of the State of Indiana.

The bonds of this issue maturing on January 1, 1990, and thereafter, are redeemable at the option of the City, in whole or in part, in inverse chronological order of maturity and by lot within a maturity, on July 1, 1989, or any interest payment date thereafter, at face value, together with the following premiums:

- 3% if redeemed on July 1, 1989, or thereafter on or before January 1, 1991;
- 2% if redeemed on July 1, 1991 or thereafter on or before January 1, 1996;
- 1% if redeemed on July 1, 1996, or thereafter prior to maturity;

plus in each case accrued interest to the date fixed for redemption; provided notice of such redemption shall be given at least thirty (30) days prior to the date fixed therefor by one publication in a newspaper or financial journal of general circulation published in the City of Indianapolis, Indiana, and a financial journal of general circulation published in the City of New York, New York, and a like notice be sent by mail to the holders of such bonds as are then registered. Interest on the bonds so called for redemption shall cease on the redemption date fixed in said notice, if sufficient funds are available at the place of redemption to redeem the bonds when presented in accordance with the terms thereof. The bonds so redeemed prior to maturity shall be surrendered for cancellation, together with all unmatured interest coupons appurtenant thereto.

The City covenants that it will, to the fullest extent permitted by law, fix, maintain and collect an aggregate of rates and charges for the services rendered by the City's waterworks system which will be sufficient to pay all costs of operation and maintenance of said system, to provide a proper and adequate depreciation account, and to create and maintain the sinking fund required for the payment of the interest on and principal of this issue of bonds and all other bonds payable from the revenues of the City's waterworks system, in accordance with the terms thereof, and that it will in all other respects

faithfully comply with all other provisions of the ordinance and statute pursuant to which this bond is issued. In the event the City shall make any default in the payment of the principal of or interest on this bond, the holder hereof shall have all of the rights and remedies provided by the governing statutes, including the right to compel the collection of sufficient rates and charges to provide for the payment of this bond and the interest thereon in accordance with the terms hereof.

This bond may be registered in the name of the owner in the manner and with the effect provided in the ordinance hereinbefore referred to, but unless registered this bond shall pass by delivery only. The registration of this bond shall not affect the negotiability of the interest coupons attached hereto, but said coupons shall continue to pass by delivery merely and shall remain payable to bearer.

It is hereby certified and recited that all acts, conditions and things required to be done or to exist precedent to and in the execution, issuance and delivery of this bond have been done and performed and exist in regular and due forms as provided by law.

IN WITNESS WHEREOF, the City of Fort Wayne, in Allen County, State of Indiana, has caused this bond to be executed in its corporate name by the facsimile signature of its duly elected, qualified and acting Mayor, countersigned by the facsimile signature of its duly appointed City Controller, its corporate seal to be hereunto affixed and attested by the manual signature of its duly elected, qualified and acting City Clerk, and the interest coupons attached hereto to be executed by placing thereon the facsimile signatures of said Mayor and City Controller, all of the first day of _____, 1978.

CITY OF FORT WAYNE

By _____ (facsimile)
Mayor

Countersigned:

City Controller (facsimile)

Attest:

City Clerk

(Interest Coupon)

Coupon No. _____ \$ _____

On _____ 1, 19_____
(unless the bond herein mentioned shall be subject to and shall have been called for previous redemption), the City of Fort Wayne, Indiana, will pay to bearer at the Indiana Bank and Trust Company of Fort Wayne, in the City of Fort Wayne, Indiana, or, at the option of the holder, at the American National Bank and Trust Company of Chicago, in the City of Chicago, Illinois, or the Manufacturers Hanover Trust Company, in the Borough of Manhattan, City and State of New York, out of its waterworks Bond and Interest Redemption Account, the amount shown hereon, in lawful money of the United States of America, being the interest then due on its Waterworks Revenue Bond of 1978, dated _____ 1, 1978, No. _____.

1 counsel, shall deem necessary. All bids for said bonds shall be
2 sealed and shall be presented to the City Controller at his office.
3 Bidders shall be required to bid for all of the bonds and to name
4 the rate or rates of interest which the bonds are to bear, not
5 exceeding the maximum rate hereinbefore fixed. Such interest
6 rate or rates shall be in multiples of one-eighth (1/8) or
7 one-tenth (1/10) of one per cent (1%), and not more than four (4)
8 different interest rates shall be named by each bidder. A rate
9 may be repeated without constituting a different rate. Bids
10 specifying two or more interest rates shall also specify the amount
11 and maturities of the bonds bearing each rate, but all bonds
12 maturing on the same date shall bear the same rate. Each bid
13 shall be accompanied by a certified or cashier's check, payable to
14 the City of Fort Wayne, in the amount of One Hundred Thousand
15 Dollars (\$100,000), as a guarantee of good faith. In the event
16 the successful bidder shall fail or refuse to accept delivery of
17 said bonds in accordance with his bid and the notice of sale,
18 then said check and the proceeds thereof shall be the property of
19 the City as its agreed liquidated damages. The City Controller
20 shall award the bonds to the highest qualified bidder. The
21 highest bidder shall be the one who offers the lowest net interest
22 cost to the City, to be determined by computing the total interest
23 on all of the bonds to their maturities and deducting therefrom
24 the premium bid, if any. No bid for less than the par value of
25 said bonds, including interest accrued to the date of delivery,
26 shall be considered. The City Controller shall have the right to
27 reject any and all bids. In the event no acceptable bid is
28 received at the time fixed in said notice for the sale of said
29 bonds, the City Controller shall be authorized to continue to
30 receive bids from day to day thereafter for a period of not to
31 exceed thirty (30) days without readvertisement; provided, however,
32 that if said sale be continued, no bid shall be accepted which is
33 lower than the highest bid received at the time fixed for said
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1 in a special account or accounts to be designated as "City of
2 Fort Wayne, 1978 Waterworks Construction Account". The funds in
3 each of such special accounts shall be deposited, securited, and
4 held, or invested as provided by the laws of the State of Indiana
5 relating to the depositing, securing and holding, or investing
6 of public funds. The funds in such special account or accounts
7 and any income derived from the investment thereof shall be
8 expended only for the purpose of paying the cost of the extensions
9 and additions to said waterworks as herein authorized, the
10 incidental expenses incurred in connection therewith and with the
11 issuance of bonds, including legal fees, and for the payment of
12 interest accruing on the bonds during the period of construction,
13 if required for that purpose. Any balance or balances remaining
14 unexpended in such special account or accounts after the completion
15 of the work, which are not required to meet unpaid obligations
16 incurred in connection with the construction of the work, shall be
17 deposited in the Bond and Interest Redemption Account within
18 sixty (60) days after completion of the project.

19 Section 10. The City shall keep proper books of records
20 and accounts, separate from all of its other records and accounts,
21 in which complete and correct entries shall be made showing all
22 revenues collected from said waterworks and deposited in the
23 special accounts hereinbefore established and all disbursements
24 made therefrom and all transactions relating to said waterworks.
25 There shall be prepared and furnished to the original purchaser
26 of the bonds, and, upon written request, to any holder of the bonds,
27 not more than sixty (60) days after the close of each annual
28 fiscal period, operating and income statements and balance sheets
29 of the waterworks, in reasonable detail, covering such annual
30 fiscal period, together with a statement of the balances as of the
31 close of such fiscal year in each of the accounts hereinbefore
32 referred to in this ordinance, which statements shall be prepared
33 by an independent certified public accountant. Such annual
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1 adopt any law, ordinance or resolution in any way adversely
2 affecting the rights of such holders so long as any of the bonds
3 or the interest thereon remain unpaid. The holders of the bonds
4 shall have all of the rights, remedies and privileges, either
5 expressly set forth in the provisions of IC 1971, 19-3-17, and
6 the laws amendatory thereof and supplemental thereto, or implied
7 therein, including the right to compel the collection of sufficient
8 rates and charges to provide for the payment of the bonds issued
9 hereunder and the interest thereon.

10 (h) None of the provisions of this ordinance shall be
11 construed as requiring the expenditure of any funds of the City
12 derived from any sources other than the proceeds of said bonds
13 and the revenues derived from the operation of said waterworks
14 system, and said bonds shall not in any respect constitute general
15 obligations of the City in its corporate capacity. Sums paid and
16 to be paid by the City to its waterworks as hydrant rental and
17 for water furnished shall be deemed to be payments by the City of
18 services rendered. The revenues so recieved by the waterworks
19 shall be deemed revenues derived from the operation of the water-
20 works.

21 Section 14. Subject to the terms and provisions con-
22 tained in this section, and not otherwise, the holders of not less
23 than sixty-six and two-thirds per cent (66-2/3%) in aggregate
24 principal amount of the bonds issued pursuant to this ordinance
25 and then outstanding shall have the right from time to time,
26 anything contained in this ordinance to the contrary notwithstand-
27 ing, to consent to and approve the adoption by the Common Council
28 of the City of Fort Wayne of such ordinance or ordinances
29 supplemental hereto, as shall be deemed necessary or desirable
30 by the City of Fort Wayne for the purpose of modifying, altering,
31 amending, adding to or rescinding in any particular any of the
32 terms or provisions contained in this ordinance, or in any
33 supplemental ordinance; provided, however, that nothing herein
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3 BILL NO. G-78-09-21

4 GENERAL ORDINANCE NO. G-26-78

5 AN ORDINANCE OF THE CITY OF FORT WAYNE, INDIANA,
6 CONCERNING THE CONSTRUCTION OF EXTENSIONS AND
7 ADDITIONS TO THE WATERWORKS SYSTEM OWNED AND
8 OPERATED BY SAID CITY, AUTHORIZING THE ISSUANCE
9 OF REVENUE BONDS TO PROVIDE FOR THE COST THEREOF,
10 AND MATTERS CONNECTED THEREWITH.

11 WHEREAS, the City of Fort Wayne is the Owner of and
12 operates an unencumbered waterworks furnishing the public water
13 supply to said City and its inhabitants; and

14 WHEREAS, the Board of Public Works, having the manage-
15 ment of said waterworks, has determined, and the Council now finds,
16 that said waterworks is in need of certain extensions and additions,
17 consisting of renovating and expanding the water filtration plant
18 and of making additions and improvements to the St. Joseph Dam and
19 Pump Station; that said extensions and additions are required in
20 order to protect properly the health, well-being and property of
21 the City and its inhabitants; and

22 WHEREAS, the Board of Public Works has determined that
23 the cost of the proposed extensions and additions, based upon
24 construction bids received and estimates as to contingencies and
25 incidental expenses, will be Eighteen Million Dollars (\$18,000,000),
26 and has represented to the Council, and the Council now finds,
27 that, subject to the approval of the Public Service Commission of
28 Indiana, funds for said project should be provided by the issuance
29 and sale of revenue bonds payable solely out of the revenues of
30 said waterworks and not constituting a general obligation of the
31 City; that such revenue bonds may be issued provided that the same
32 are made on a parity with the bonds authorized by General Ordinance
33 No. G-95-67, as amended by General Ordinances No. G-104-67 and
34 G-110-67, and designated as "Waterworks Revenue Bonds of 1967",
35 issued under date of November 1, 1967, and now outstanding in the
amount of Two Million ^{Seven} ~~Eight~~ Hundred ^{Sixty} ~~Forty~~ Five Thousand ⁷¹⁵ ~~845~~ (\$2,000,000),
maturing serially over a period ending on January 1, 2000, and the
bonds authorized by General Ordinance No. G-29-68 and designated

Two hundred sixty five

as "Waterworks Revenue Bonds of 1968", issued under date of December 1, 1968, and now outstanding in the amount of ^{Two}~~Three~~ Million ²⁹⁶⁵~~Forty-Five~~ Thousand Dollars (\$~~3,045~~,000), maturing serially over a period ending on January 1, 2000; and that the revenues of the City's waterworks will be sufficient to provide for the operation and maintenance thereof, depreciation, and the servicing of said outstanding revenue bonds and the revenue bonds authorized by this ordinance, provided that the water rates and charges are increased concurrently herewith; and that it would be to the best interests of the City and its citizens to proceed with the proposed extensions and additions to the City's waterworks; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the City of Fort Wayne (hereinafter sometimes referred to as the "City"), being the owner of and engaged in operating an unencumbered waterworks supplying the City and its inhabitants with water for public and domestic use, now provide for certain needed extensions and additions to such waterworks and the payment for such extensions and additions by the issuance of bonds payable from the revenues and receipts of said waterworks, pursuant to and in the manner prescribed in the Indiana Code of 1971, Title 19, Article 3, Chapter 17, and the laws amendatory thereof and supplemental thereto (sometimes hereinafter referred to as the "Act"). The terms "waterworks", "waterworks system", and "system", wherever used in this ordinance shall be construed to mean and include the existing waterworks owned by the City of Fort Wayne, and all extensions, additions and improvements thereto and replacements thereof now or subsequently constructed or acquired.

Section 2. Said extensions and additions shall include the renovating and expansion of the water filtration plant and making of additions and improvements to the St. Joseph Dam and Pump Station, all of which shall be constructed and installed in accordance with the plans and specifications prepared by McNamee,

Porter and Seeley, consulting engineers of Ann Arbor, Michigan,
which plans and specifications are made a part hereof by reference
and are hereby approved. ^{Public} To provide for the issuance and sale
of revenue bonds, the Board of Works in Resolution No. 66-133-23 dated August 16, 1978 has
heretofore approved the employment of Ice, Miller, Donadio and Ryan as bond counsel, an agreement
with William N. Salin to provide services relative to the undertakings herein authorized, and the
employment of Bernard T. Perry as financial consultant, which Resolution and agreements are made a
part hereof by reference and are hereby approved.
~~undertaking herein authorized and approve Bernard T. Perry as~~
~~financial consultant as set out in a Resolution No. 66-133-23 of~~
~~said Board dated August 16, 1978, which agreements referred to are~~
~~made a part hereof by reference and are hereby approved.~~ The
Board of Public Works is hereby authorized to proceed with the
construction and installation of said extensions and additions,
and to enter into all contracts necessary for such purpose in
conformity with the provisions of this ordinance and of said Act;
provided that the principal and interest of all bonds issued
pursuant to this ordinance shall be paid solely and exclusively
from the revenues of said waterworks system and that no bonds shall
be issued or sold until the approval of the Public Service Commis-
sion of Indiana shall have been obtained for the issuance of such
bonds, and said Commission shall have certified that the estimated
income and revenues of the waterworks system under the increased
rates, in addition to providing for operation, maintenance and
depreciation of said system, are sufficient to pay the interest on
and the principal of the outstanding bonds payable out of the
revenues of the waterworks system and the interest on and principal
of the bonds authorized by this ordinance. The Mayor and Board
of Public Works are hereby authorized to file a proper petition
with the Public Service Commission for the purpose of securing the
required approval of said Commission.

Section 3. The income and revenues of the City's water-
works system shall be set aside into a separate and special fund
to be used and applied in the maintenance and operation thereof,
in establishing a depreciation account, and to the payment of the
interest on and principal of the bonds authorized by General

1 Ordinance No. G-95-67 (as amended by General Ordinances No.
2 G-104-67 and G-110-67), and General Ordinance No. G-29-68, and
3 by this ordinance, and such other bonds as may be legally payable
4 out of the income and revenues of the waterworks, in accordance
5 with their respective priorities and provisions. The proportion of
6 the gross revenues of said waterworks that shall be paid into the
7 several accounts of said special fund, beginning as of the date of
8 issuance of the bonds herein authorized, is hereby fixed and
9 determined as follows:

10 (a) Operation and Maintenance Account. Sixty-one per
11 cent (61%) of the gross revenues of said waterworks shall be set
12 aside into the Operation and Maintenance Account, and shall be
13 used solely to pay the necessary costs of the reasonable and
14 proper operation and maintenance of the waterworks, including any
15 taxes required to be paid. The necessary cost of the reasonable
16 and proper operation and maintenance of the waterworks shall, in
17 addition to the usual items chargeable to operation and maintenance,
18 be deemed to include payments to the Civil City of Fort Wayne in
19 lieu of taxes which would be payable if the waterworks were a
20 privately-owned utility; provided, however, that no payments on
21 account of said additional item shall be made which will in any
22 wise adversely affect or jeopardize the continued operation of
23 the waterworks or interfere with the payment of current operating
24 and maintenance charges as the same accrue. The funds so set
25 aside for operation and maintenance shall be applied exclusively
26 to that purpose until a surplus shall have been accumulated in
27 said account which will be equal to the cost of maintaining and
28 operating the system during the remainder of the calendar, operat-
29 ing or fiscal year then current, and the cost of maintaining and
30 operating said system during the calendar, operating or fiscal
31 year then next ensuing. Any excess over such surplus may be trans-
32 ferred to the Depreciation Account, or the Bond and Interest
33 Redemption Account hereinafter referred to.

1 (b) Depreciation Account. Twelve per cent (12%) of the
2 gross revenues of said waterworks shall be set aside into the
3 Depreciation Account and shall be expended in making good depre-
4 ciation in the waterworks or in new construction, extensions or
5 additions to the property of the waterworks. Any accumulations in
6 said Depreciation Account not required for immediate use may be
7 invested in direct obligations of the United States Government to
8 the extent permitted by law, and if so invested the income from the
9 investment shall accrue to the Depreciation Account. The funds in
10 said account shall not be used for any purpose other than as herein
11 provided.

12 (c) Bond and Interest Redemption Account. Twenty-seven
13 per cent (27%) of the gross revenues of the waterworks shall, as
14 such revenues are received, be set apart and paid into a special
15 account to be identified as the "Bond and Interest Redemption
16 Account". The funds in said account shall be used solely for the
17 purpose of paying the interest on and principal of the Waterworks
18 Revenue Bonds of 1967, issued pursuant to General Ordinance No.
19 G-95-67 (as amended by General Ordinances No. G-104-67 and
20 G-110-67), the Waterworks Revenue Bonds of 1968, issued pursuant
21 to General Ordinance No. G-29-68, the bonds issued pursuant to the
22 provisions of this ordinance, and any bonds hereafter issued rank-
23 ing on a parity therewith, to the extent required for that purpose.
24 If and when a surplus shall be created in said Bond and Interest
25 Redemption Account which shall be in excess of the interest on and
26 principal of the bonds, plus ten per cent (10%), which are payable
27 during the then current calendar, operating or fiscal year,
28 together with the amount of interest on and principal of the bonds
29 which will become due and payable during the calendar, operating
30 or fiscal year then next ensuing, then any excess over such sur-
31 plus may be transferred to either the Operation and Maintenance
32 Account or the Depreciation Account. In the event any of the bonds
33 payable out of said Bond and Interest Redemption Account shall be
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1 subject to redemption prior to maturity, any such excess over such
2 surplus may also be used in the redemption of outstanding bonds at
3 not more than the redemption prices and in accordance with the
4 redemption provisions applicable thereto.

5 All of the funds of said several accounts shall be
6 deposited in lawful depositories of the City and shall be continu-
7 ously held and secured, or invested as provided by the laws of
8 Indiana relating to the depositing, securing and holding, or
9 investing of public funds. In no event shall any of the revenues
10 of said waterworks be transferred or used for any purpose not
11 authorized by this ordinance or reasonably implied by the provi-
12 sions hereof, so long as there are outstanding any bonds payable
13 out of the income and revenues of the City's waterworks.

14 Section 4. For the purpose of procuring funds with
15 which to pay the cost of construction and installation of the
16 extensions and additions to its waterworks, the City shall issue
17 its revenue bonds under and pursuant to the provisions of this
18 ordinance and said Act, which bonds shall be payable only out of
19 the special Bond and Interest Redemption Account herein provided
20 for, and shall be designated as "Waterworks Revenue Bonds of 1978".
21 Said bonds shall be in a principal amount not exceeding Eighteen
22 Million Dollars (\$18,000,000), in the denomination of Five Thousand
23 Dollars (\$5,000) each, numbered consecutively from 1 up, dated as
24 of the first day of the month in which said bonds are sold, and
25 shall bear interest at a rate or rates not exceeding six and
26 one-half per cent ($6\frac{1}{2}\%$) per annum (the exact rate or rates to
27 be determined by bidding), which interest shall be payable semi-
28 annually on January 1 and July 1 of each year, beginning on
29 ~~January~~ ^{July} 1, 1979, and shall be evidenced by coupons attached to
30 said bonds. Both bonds and interest coupons shall be payable at
31 the Indiana Bank and Trust Company of Fort Wayne, in the City of
32 Fort Wayne, Indiana, or, at the option of the holder, at the
33 American National Bank and Trust Company of Chicago, in the City
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of Chicago, Illinois, or at the Manufacturers Hanover Trust Company in the Borough of Manhattan, City and State of New York, in lawful money of the United States of America, and said bonds shall mature serially on January 1 in the years and amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
1980	310,000	1988	525,000	1996	865,000
1981	330,000	1989	560,000	1997	915,000
1982	345,000	1990	595,000	1998	970,000
1983	370,000	1991	635,000	1999	965,000
1984	390,000	1992	675,000	2000	1,025,000
1985	425,000	1993	720,000	2001	1,555,000
1986	455,000	1994	770,000	2002	1,650,000
1987	490,000	1995	820,000	2003	1,640,000

The bonds of this issue maturing on January 1, 1990, and thereafter, shall be redeemable at the option of the City, in whole or in part, in inverse chronological order of maturity and by lot within a maturity, on July 1, 1989, or any interest payment date thereafter, at face value, together with the following premiums:

3% if redeemed on July 1, 1989, or thereafter on or before January 1, 1991;

2% if redeemed on July 1, 1993, or thereafter on or before January 1, 1996;

1% if redeemed on July 1, 1996, or thereafter prior to maturity;

plus in each case accrued interest to the date fixed for redemption.

Notice of such redemption shall be published at least thirty (30) days prior to the date fixed for redemption at least one time in a newspaper or financial journal of general circulation published in the City of Indianapolis, Indiana, and a financial journal of general circulation published in the City of New York, New York, and a like notice shall be sent by mail to the holders of such bonds as are then registered. The notice shall specify the date and place of redemption and the serial numbers of the bonds called for redemption. Interest on the bonds so called for redemption shall cease on the date fixed in said notice, if funds are available at the place of redemption to redeem the bonds when presented.

Section 5. Said bonds shall be executed in the name of the City by the facsimile signature of the Mayor, countersigned by

1 the facsimile signature of the City Controller, and attested by
2 the manual signature of the City Clerk, who shall affix the seal
3 of the City to each of said bonds. The interest coupons attached
4 to said bonds shall be executed by placing thereon the facsimile
5 signatures of the Mayor and City Controller, and said officials,
6 by the execution of said bonds, shall adopt as and for their own
7 proper signatures their facsimile signatures appearing on said
8 coupons. In case any officer whose signature appears on the bonds
9 and coupons shall cease to be such officer before the delivery of
10 such bonds, his signature shall nevertheless be valid and suffi-
11 cient for all purposes the same as if such officer had remained in
12 office until such delivery.

13 Said bonds shall be negotiable by delivery unless regis-
14 tered. Upon presentation of the bonds at the office of the City
15 Controller in the City of Fort Wayne, said City Controller shall
16 register said bonds without charge or expense to the holder, as to
17 the principal thereof. Such registry shall be noted on the bond,
18 after which no transfer thereof will be valid unless made by the
19 registered owner in person or by his attorney duly authorized and
20 similarly noted on the bond, but said bond may be discharged from
21 registry by being in like manner transferred to bearer, after which
22 it shall be transferable by delivery but may be again registered
23 as before. The registration of any bond shall not affect the
24 negotiability of the interest coupons attached thereto, but such
25 coupons shall continue to pass by delivery only and shall remain
26 payable to bearer.

27 Section 6. The form and tenor of said bonds, the inter-
28 est coupons to be attached thereto, and the form of registry
29 endorsement thereon shall be substantially as follows, to-wit:

1 UNITED STATES OF AMERICA
2 State of Indiana County of Allen

3 No. _____ \$5,000

4 CITY OF FORT WAYNE
5 WATERWORKS REVENUE BOND OF 1978

6 The City of Fort Wayne, in Allen County, State of
7 Indiana, for value received, hereby promises to pay to
8 the bearer, or if this bond be registered then to the
9 registered holder hereof, solely out of the special
10 revenue fund hereinafter referred to, the principal
11 amount of

12 FIVE THOUSAND DOLLARS

13 on the first day of January, 19__ (unless this bond be
14 subject to and be called for redemption prior to maturity
15 as hereinafter provided), and to pay interest thereon
16 from the date hereof until the principal is paid, at the
17 rate of _____ per cent (____ %) per
18 annum, payable semi-annually on the first days of
19 January and July of each year, beginning ~~January~~ 1, 1979,
20 but only upon presentation and surrender of the annexed
21 interest coupons as they severally become due.

22 Both principal and interest of this bond are payable
23 in lawful money of the United States of America, at the
24 Indiana Bank and Trust Company of Fort Wayne, in the City
25 of Fort Wayne, Indiana, or, at the option of the holder,
26 at the American National Bank and Trust Company of Chicago,
27 in the City of Chicago, Illinois, or at the Manufacturers
28 Hanover Trust Company, in the Borough of Manhattan, City
29 and State of New York.

30 This bond is one of an authorized issue of thirty-six
31 hundred (3,600) bonds of the City of Fort Wayne, of like
32 date, denomination, tenor and effect, except as to rates
33 of interest and dates of maturity, in the total amount of
34 Eighteen Million Dollars (\$18,000,000), numbered consec-
35 utively from 1 to 3600 inclusive, issued for the purpose
of providing funds to pay the cost of extensions and
additions to the municipally owned waterworks of said
City, pursuant to an ordinance passed by the Common Council
of said City on the _____ day of _____, 197__,
entitled "An Ordinance of the City of Fort Wayne, Indiana,
concerning the construction of extensions and additions to
the waterworks system owned and operated by said City,
authorizing the issuance of revenue bonds to provide for
the cost thereof, and matters connected therewith", and
in strict compliance with the provisions of the governing
statutes, particularly Title 19, Article 3, Chapter 17 of
the Indiana Code of 1971, and all laws amendatory thereof
or supplemental thereto.

36 The Principal of and interest on this bond and all
37 other bonds of said issue, certain Waterworks Revenue Bonds
38 of 1967, now outstanding in the principal amount of Two
39 Million ~~Eight Hundred Forty~~ Five Thousand Dollars (\$2,445,000)
40 issued under date of November 1, 1967, pursuant to General
41 Ordinance No. G-95-67, as amended by General Ordinances
42 No. G-104-67 and G-110-67, bearing interest at the rate of
43 five per cent (5%) per annum, and maturing over a period
44 ending on January 1, 2000, certain Waterworks Revenue Bonds
45

Nine hundred sixty five

of 1968, now outstanding in the principal amount of ~~Three Million Forty-Five Thousand Dollars (\$3,445,000)~~, issued under date of December 1, 1968, pursuant to, General Ordinance No. G-29-68, bearing interest at the rates of five and one-half per cent (5-1/2%) and five and forty hundredths per cent (5.40%) per annum, depending on the maturities, and maturing over a period ending on January 1, 2000, all ranking on a parity herewith, and any bonds hereafter issued ranking on a parity therewith, are equally and ratably secured by and constitute a charge upon twenty-seven per cent (27%) of the gross income and revenues of the municipally owned waterworks of the City, as the same now exists or may hereafter be improved or extended, which percentage of such income and revenues is to be deposited in a special account designated as the "Bond and Interest Redemption Account". The City shall not be obligated to pay said bonds or the interest thereon except from said special fund, and neither this bond nor the issue of which it is a part shall in any respect constitute a corporate indebtedness of the City within the provisions and limitations of the constitution of the State of Indiana.

The bonds of this issue maturing on January 1, 1990, and thereafter, are redeemable at the option of the City, in whole or in part, in inverse chronological order of maturity and by lot within a maturity, on July 1, 1989, or any interest payment date thereafter, at face value, together with the following premiums:

- 3% if redeemed on July 1, 1989, or thereafter on or before January 1, 1991;
- 2% if redeemed on July 1, 1993 or thereafter on or before January 1, 1996;
- 1% if redeemed on July 1, 1996, or thereafter prior to maturity;

plus in each case ^{by} accrued interest to the date fixed for redemption; provided notice of such redemption shall be given at least thirty (30) days prior to the date fixed therefor by one publication in a newspaper or financial journal of general circulation published in the City of Indianapolis, Indiana, and a financial journal of general circulation published in the City of New York, New York, and a like notice be sent by mail to the holders of such bonds as are then registered. Interest on the bonds so called for redemption shall cease on the redemption date fixed in said notice, if sufficient funds are available at the place of redemption to redeem the bonds when presented in accordance with the terms thereof. The bonds so redeemed prior to maturity shall be surrendered for cancellation, together with all unmatured interest coupons appurtenant thereto.

The City covenants that it will, to the fullest extent permitted by law, fix, maintain and collect an aggregate of rates and charges for the services rendered by the City's waterworks system which will be sufficient to pay all costs of operation and maintenance of said system, to provide a proper and adequate depreciation account, and to create and maintain the sinking fund required for the payment of the interest on and principal of this issue of bonds and all other bonds payable from the revenues of the City's waterworks system, in accordance with the terms thereof, and that it will in all other respects

1 faithfully comply with all other provisions of the
2 ordinance and statute pursuant to which this bond is
3 issued. In the event the City shall make any default
4 in the payment of the principal of or interest on this
5 bond, the holder hereof shall have all of the rights
6 and remedies provided by the governing statutes,
7 including the right to compel the collection of suffi-
8 cient rates and charges to provide for the payment of
9 this bond and the interest thereon in accordance with
10 the terms hereof.

11 This bond may be registered in the name of the
12 owner in the manner and with the effect provided in the
13 ordinance hereinbefore referred to, but unless registered
14 this bond shall pass by delivery only. The registration
15 of this bond shall not affect the negotiability of the
16 interest coupons attached hereto, but said coupons shall
17 continue to pass by delivery merely and shall remain
18 payable to bearer.

19 It is hereby certified and recited that all acts,
20 conditions and things required to be done or to exist
21 precedent to and in the execution, issuance and delivery
22 of this bond have been done and performed and exist in
23 regular and due form as provided by law.

24 IN WITNESS WHEREOF, the City of Fort Wayne, in
25 Allen County, State of Indiana, has caused this bond to
26 be executed in its corporate name by the facsimile signature
27 of its duly elected, qualified and acting Mayor, counter-
28 signed by the facsimile signature of its duly appointed
29 City Controller, its corporate seal to be hereunto affixed
30 and attested by the manual signature of its duly elected,
31 qualified and acting City Clerk, and the interest coupons
32 attached hereto to be executed by placing thereon the
33 facsimile signatures of said Mayor and City Controller,
34 all of the first day of _____, 1978.

35 CITY OF FORT WAYNE

By _____ (facsimile)
Mayor

Countersigned:

City Controller (facsimile)

Attest:

City Clerk

(Interest Coupon)

Coupon No. _____ \$ _____

On _____ 1, 19 _____

(unless the bond herein mentioned shall be subject to and
shall have been called for previous redemption), the City
of Fort Wayne, Indiana, will pay to bearer at the Indiana
Bank and Trust Company of Fort Wayne, in the City of Fort
Wayne, Indiana, or, at the option of the holder, at the
American National Bank and Trust Company of Chicago, in
the City of Chicago, Illinois, or the Manufacturers
Hanover Trust Company, in the Borough of Manhattan, City
and State of New York, out of its waterworks Bond and
Interest Redemption Account, the amount shown hereon, in
lawful money of the United States of America, being the
interest then due on its Waterworks Revenue Bond of 1978,
dated _____ 1, 1978, No. _____.

CITY OF FORT WAYNE

By _____ (facsimile)
Mayor

City Controller (facsimile)

REGISTRATION ENDORSEMENT

This bond can be registered only at the office of the City Controller of the City of Fort Wayne, Indiana. No writing hereon except by the City Controller.

Date of Registry	In Whose Name Registered	City Controller
------------------	-----------------------------	-----------------

_____	_____	_____
_____	_____	_____

Section 7. The City Controller is hereby authorized and directed to have said bonds and coupons prepared, and the Mayor, City Controller and City Clerk are hereby authorized and directed to execute said bonds and the coupons to be attached thereto in the form and manner hereinbefore provided. The City Controller shall sell said bonds at public sale. Prior to the sale of the bonds, the City Controller shall cause to be published a notice of sale once each for two weeks in the Fort Wayne Journal Gazette and the Fort Wayne News-Sentinel, published in the City of Fort Wayne. The City Controller shall be authorized to publish said notice or a summary thereof in The Indianapolis Commercial, published in the City of Indianapolis, Indiana, and in the Bond Buyer, published in the City and State of New York. The City Controller shall be authorized to make such additional publication as he shall deem advisable. The date fixed for the sale shall not be earlier than seven (7) days after the last of said publications. The bond sale notice shall state the time and place of sale, the total amount of bonds, the maximum rate of interest thereon, the maturities thereof, the purpose for which the bonds are being issued, the terms and conditions upon which bids will be received and the sale made, and shall set out such other information as the City Controller, acting on the advice of the City Attorney and bond

1 counsel, shall deem necessary. All bids for said bonds shall be
2 sealed and shall be presented to the City Controller at his office.
3 Bidders shall be required to bid for all of the bonds and to name
4 the rate or rates of interest which the bonds are to bear, not
5 exceeding the maximum rate hereinbefore fixed. Such interest
6 rate or rates shall be in multiples of one-eighth (1/8) or
7 one-tenth (1/10) of one per cent (1%), and not more than four (4)
8 different interest rates shall be named by each bidder. A rate
9 may be repeated without constituting a different rate. Bids
10 specifying two or more interest rates shall also specify the amount
11 and maturities of the bonds bearing each rate, but all bonds
12 maturing on the same date shall bear the same rate. Each bid
13 shall be accompanied by a certified or cashier's check, payable to
14 the City of Fort Wayne, in the amount of One Hundred Thousand
15 Dollars (\$100,000), as a guarantee of good faith. In the event
16 the successful bidder shall fail or refuse to accept delivery of
17 said bonds in accordance with his bid and the notice of sale,
18 then said check and the proceeds thereof shall be the property of
19 the City as its agreed liquidated damages. The City Controller
20 shall award the bonds to the highest qualified bidder. The
21 highest bidder shall be the one who offers the lowest net interest
22 cost to the City, to be determined by computing the total interest
23 on all of the bonds to their maturities and deducting therefrom
24 the premium bid, if any. No bid for less than the par value of
25 said bonds, including interest accrued to the date of delivery,
26 shall be considered. The City Controller shall have the right to
27 reject any and all bids. In the event no acceptable bid is
28 received at the time fixed in said notice for the sale of said
29 bonds, the City Controller shall be authorized to continue to
30 receive bids from day to day thereafter for a period of not to
31 exceed thirty (30) days without readvertisement; provided, however,
32 that if said sale be continued, no bid shall be accepted which is
33 lower than the highest bid received at the time fixed for said
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1 sale in the bond sale notice. Prior to the delivery of said bonds
2 the City Controller shall obtain a legal opinion as to the validity
3 of the bonds from Ice Miller Donadio & Ryan, bond counsel of
4 Indianapolis, acting as bond counsel for the City, and shall
5 furnish such opinion to the purchaser of the bonds. The fee of
6 such bond counsel and all other incidental expenses incurred in
7 connection with the issuance of the bonds authorized by this
8 ordinance shall be paid out of the proceeds of said bonds.

9 Section 8. In the event it shall be hereafter determined
10 that it is not necessary to issue all of the bonds authorized by
11 this ordinance, or the Public Service Commission shall not approve
12 the issuance of said total amount of bonds, the City Controller
13 shall be authorized to sell and deliver a lesser amount of bonds
14 than herein authorized, in which case the bonds not sold or
15 delivered shall be of the last maturity or maturities.

16 The bonds herein authorized, when fully paid for and
17 delivered to the purchaser, shall be the binding and special
18 obligations of the City, payable out of the income and revenues of
19 the waterworks system of said City according to their tenor and
20 effect, and the proceeds derived from the sale of said bonds shall
21 be and are hereby set aside for the purpose of paying the cost of
22 construction and installation of the aforesaid extensions and
23 additions to said waterworks and the expense necessarily incurred
24 in connection with the issuance and sale of the bonds. The proper
25 officers of the City are hereby directed to draw all proper and
26 necessary warrants, and to do all acts and things which may be
27 necessary to carry out the provisions of this ordinance.

28 Section 9. Any accrued interest and any premium
29 received at the time of the delivery of the bonds shall be deposited
30 in the Bond and Interest Redemption Account hereinbefore referred
31 to. The remaining proceeds from the sale of the bonds shall, upon
32 receipt, be deposited in a bank or banks which are legally
33 designated and qualified depositories for the funds of the City,
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1 in a special account or accounts to be designated as "City of
2 Fort Wayne, 1978 Waterworks Construction Account". The funds in
3 each of such special accounts shall be deposited, ~~secured~~^{secured}, and
4 held, or invested as provided by the laws of the State of Indiana
5 relating to the depositing, securing and holding, or investing
6 of public funds. The funds in such special account or accounts
7 and any income derived from the investment thereof shall be
8 expended only for the purpose of paying the cost of the extensions
9 and additions to said waterworks as herein authorized, the
10 incidental expenses incurred in connection therewith and with the
11 issuance of bonds, including legal fees, and for the payment of
12 interest accruing on the bonds during the period of construction,
13 if required for that purpose. Any balance or balances remaining
14 unexpended in such special account or accounts after the completion
15 of the work, which are not required to meet unpaid obligations
16 incurred in connection with the construction of the work, shall be
17 deposited in the Bond and Interest Redemption Account within
18 sixty (60) days after completion of the project.

19 Section 10. The City shall keep proper books of records
20 and accounts, separate from all of its other records and accounts,
21 in which complete and correct entries shall be made showing all
22 revenues collected from said waterworks and deposited in the
23 special accounts hereinbefore established and all disbursements
24 made therefrom and all transactions relating to said waterworks.
25 There shall be prepared and furnished to the original purchaser
26 of the bonds, and, upon written request, to any holder of the bonds
27 not more than sixty (60) days after the close of each annual
28 fiscal period, operating and income statements and balance sheets
29 of the waterworks, in reasonable detail, covering such annual
30 fiscal period, together with a statement of the balances as of the
31 close of such fiscal year in each of the accounts hereinbefore
32 referred to in this ordinance, which statements shall be prepared
33 by an independent certified public accountant. Such annual
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1 statements shall also include the comments of said accountant
2 relative to the manner in which the City has carried out the
3 requirements of this ordinance and any other ordinances authorizing
4 then outstanding bonds. The fees or charges of such accountant
5 shall be deemed to be a cost of operation and maintenance of the
6 waterworks. Copies of all such statements and reports shall at
7 all times be kept on file in the office of the City Controller.
8 Any holder of the bonds shall have the right at all reasonable
9 times to inspect the waterworks and the records, accounts and data
10 of the City relating thereto. Such inspections may be made by
11 representatives duly authorized by written instrument.

12 Section 11. The City shall, to the fullest extent
13 permitted by law, establish, maintain and collect reasonable and
14 just rates and charges for the services and facilities afforded by
15 said waterworks which will provide revenues at least sufficient to
16 pay the reasonable and proper cost of the maintenance and operation
17 of the waterworks, to provide a proper and reasonable depreciation
18 account, and to pay the principal of and interest on all bonds
19 payable from the revenues of the waterworks as the same become due,
20 and provide a surplus or margin of ten per cent (10%) of the
21 principal and interest due each year, which shall be cumulative.
22 So long as any of the bonds herein authorized are outstanding,
23 none of the facilities and services afforded by said waterworks
24 shall be furnished without a reasonable and just charge being made
25 therefor. The reasonable value of any service rendered to the
26 City, or to any department, agency or instrumentality thereof,
27 including the use of water for hydrants for fire protection or
28 for any other purpose, shall be charged against the City and shall
29 be paid for as the charges accrue, and the revenues so received
30 shall be deemed to be revenues derived from the operation of the
31 waterworks and shall be used and accounted for in the same manner
32 as other revenues derived from the operation of the waterworks.

1 Section 12. The City reserves the right to authorize
2 and issue additional bonds, payable out of the revenues of the
3 waterworks, ranking on a parity with the bonds authorized by
4 this ordinance, for the purpose of financing the cost of future
5 construction, additions, extensions and improvements to the
6 waterworks, or the refunding of bonds payable from the revenues
7 of the waterworks, subject to the following conditions:

8 (a) The interest on and principal of all bonds payable
9 from the revenues of the waterworks shall have been paid to date
10 in accordance with the terms thereof, and all required payments
11 into the Bond and Interest Redemption Account have been made in
12 accordance with the provisions of this ordinance.

13 (b) (1) The amount of gross revenues of the waterworks
14 allocated by Section 3(c) of this ordinance to and deposited in
15 the Bond and Interest Redemption Account in the calendar year
16 immediately preceding the issuance of any such additional parity
17 bonds shall be not less than one hundred twenty-five per cent (125%)
18 of the maximum annual interest and principal requirements of the
19 then outstanding bonds and the additional parity bonds proposed
20 to be issued, during the life of said outstanding bonds; or

21 (2) Prior to the issuance of said parity bonds,
22 the proportion of the gross revenues allocated to said Bond and
23 Interest Redemption Account shall be increased sufficiently so
24 that said increased proportion applied to the previous calendar
25 year's gross revenues would have produced revenues in said Bond
26 and Interest Redemption Account for said year equal to not less
27 than one hundred twenty-five per cent (125%) of the maximum annual
28 interest and principal requirements of the then outstanding bonds
29 and the additional parity bonds proposed to be issued, during the
30 life of said outstanding bonds; or

31 (3) Prior to the issuance of said parity bonds,
32 the water rates and charges shall be increased sufficiently and
33 the proportion of gross revenues allocated to said Bond and Interest
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1 Redemption Account increased sufficiently so that said increased
2 water rates and charges applied to the previous calendar year's
3 operations would have produced gross revenues in an amount so that
4 the proportion allocated to said Bond and Interest Redemption
5 Account for said year would have equaled not less than one hundred
6 twenty-five per cent (125%) of the maximum annual interest and
7 principal requirements of the then outstanding bonds and the
8 additional parity bonds proposed to be issued, during the life of
9 said outstanding bonds.

10 For the purposes of this subsection, the records of the
11 waterworks shall be analyzed and all showings shall be prepared
12 by an independent certified public accountant employed by the City
13 for that purpose, which accountant shall certify that he has no
14 pecuniary interest in the financing of the waterworks or improve-
15 ments thereto other than in the making of said analysis and the
16 preparation of said showings.

17 (c) The principal of the additional parity bonds shall
18 be payable annually on January 1 and the interest semi-annually
19 on January 1 and July 1 in the years in which principal and interest
20 are payable.

21 (d) To the extent required by law, the issuance of the
22 proposed additional parity bonds and any necessary increase in
23 water rates and charges shall have been approved by the Public
24 Service Commission of Indiana, or such successor body, if any, as
25 may be vested by law with authority to approve the issuance of
26 bonds payable from the revenues of municipal waterworks and
27 increases in rates and charges for the services afforded thereby.

28 Parity bonds may also be issued to refund less than all
29 of the then outstanding bonds issued pursuant to this ordinance
30 or ranking on a parity therewith, but any such refunding bonds
31 shall be subject to the conditions in this section unless the
32 bonds being refunded mature within three (3) months of the date
33 of such refunding and no other funds are available to pay such
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1 maturing bonds. In computing the maximum annual interest and
2 principal requirements pursuant to subsection (b), the interest
3 on and principal of the refunding bonds shall be substituted for
4 the interest on and principal of the bonds being refunded.

5 Section 13. For the purpose of further safeguarding
6 the interests of the holders of the bonds, it is specifically
7 provided as follows:

8 (a) All construction contracts shall be let to
9 responsible contractors who shall be required to furnish construc-
10 tion bonds in an amount equal to one hundred per cent (100%) of the
11 amount of such contracts, to insure the completion of such contracts
12 in accordance with their terms, and such contractors shall be
13 required to carry such employer's liability and public liability
14 insurance as are required under the laws of the State of Indiana
15 in the case of public contracts.

16 (b) The extensions and additions shall be contracted
17 for and constructed to the approval of the McNamee, Porter and
18 Seeley, consulting engineers of Ann Arbor, Michigan, now employed
19 by the City, or such other consulting engineers as may be hereafter
20 employed by the City. All estimates for work done and material
21 furnished shall first be checked by the consulting engineers before
22 being approved by the City.

23 (c) The City shall, at all times, maintain said
24 waterworks in good condition and operate the same in an efficient
25 manner and at a reasonable cost.

26 (d) So long as any of the bonds herein authorized are
27 outstanding, the City shall maintain insurance on the insurable
28 parts of the waterworks of a kind and in an amount such as is
29 usually carried by private companies engaged in a similar type of
30 business. All insurance shall be placed with responsible insur-
31 ance companies qualified to do business in the State of Indiana,
32 and any insurance proceeds collected shall be used in replacing
33 the property destroyed or damaged, or if not needed for that
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1 purpose, shall be placed in the Depreciation Account.

2 (e) So long as any of the bonds herein authorized are
3 outstanding, the City shall not mortgage, pledge or otherwise
4 encumber its waterworks or any part thereof, and shall not sell,
5 lease or otherwise dispose of any portion thereof except such
6 equipment which may become worn out or obsolete, and shall be
7 replaced; nor shall the City, except as provided in Section 12
8 hereof, execute or issue any additional bonds or other obligations
9 pledging any portion of the revenues of said waterworks unless the
10 same be made subordinate and junior in all respects to the bonds
11 heretofore issued and the bonds herein authorized, or unless all
12 of the bonds herein authorized are redeemed and cancelled
13 coincidentally with the delivery of such additional bonds or
14 other obligations, or the bonds have been duly called for redemp-
15 tion and funds sufficient to effect such redemption are available
16 and set aside at the place of redemption at the time of issuance
17 of such additional bonds.

18 (f) The provisions of this ordinance shall be construed
19 to create a trust in the proceeds derived from the sale of the
20 bonds herein authorized, for the uses and purposes herein set
21 forth, and so long as any of said bonds are outstanding, the
22 provisions of this ordinance shall also be construed to create a
23 trust in the fixed proportion of the revenues of the waterworks
24 herein directed to be set apart and paid into the Bond and Interest
25 Redemption Account for the uses and purposes of said account as in
26 this ordinance set forth.

27 (g) The provisions of this ordinance shall constitute
28 a contract by and between the City of Fort Wayne and the holders
29 of the bonds herein authorized, all of the terms of which shall be
30 enforceable in law or in equity, and after the issuance of the
31 bonds this ordinance shall not be repealed or amended in any
32 respect which will adversely affect the rights and interests of
33 the holders of said bonds, nor shall the Common Council of the City
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1 adopt any law, ordinance or resolution in any way adversely
2 affecting the rights of such holders so long as any of the bonds
3 or the interest thereon remain unpaid. The holders of the bonds
4 shall have all of the rights, remedies and privileges, either
5 expressly set forth in the provisions of IC 1971, 19-3-17, and
6 the laws amendatory thereof and supplemental thereto, or implied
7 therein, including the right to compel the collection of sufficient
8 rates and charges to provide for the payment of the bonds issued
9 hereunder and the interest thereon.

10 (h) None of the provisions of this ordinance shall be
11 construed as requiring the expenditure of any funds of the City
12 derived from any sources other than the proceeds of said bonds
13 and the revenues derived from the operation of said waterworks
14 system, and said bonds shall not in any respect constitute general
15 obligations of the City in its corporate capacity. Sums paid and
16 to be paid by the City to its waterworks as hydrant rental and
17 for water furnished shall be deemed to be payments by the City of
18 services rendered. The revenues so ^{received} ~~received~~ by the waterworks
19 shall be deemed revenues derived from the operation of the water-
20 works.

21 Section 14. Subject to the terms and provisions con-
22 tained in this section, and not otherwise, the holders of not less
23 than sixty-six and two-thirds per cent (66-2/3%) in aggregate
24 principal amount of the bonds issued pursuant to this ordinance
25 and then outstanding shall have the right from time to time,
26 anything contained in this ordinance to the contrary notwithstand-
27 ing, to consent to and approve the adoption by the Common Council
28 of the City of Fort Wayne of such ordinance or ordinances
29 supplemental hereto, as shall be deemed necessary or desirable
30 by the City of Fort Wayne for the purpose of modifying, altering,
31 amending, adding to or rescinding in any particular any of the
32 terms or provisions contained in this ordinance, or in any
33 supplemental ordinance; provided, however, that nothing herein
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1 contained shall permit or be construed as permitting:

2 (a) An extension of the maturity of the principal
3 of or interest on any bond issued pursuant to this ordinance;
4 or

5 (b) A reduction in the principal amount of any bond
6 or the redemption premium or the rate of interest thereon;
7 or

8 (c) The creation of a lien upon or a pledge of the
9 revenues of the waterworks ranking prior to the pledge
10 thereof created by this ordinance; or

11 (d) A preference or priority of any bond or bonds
12 issued pursuant to this ordinance over any other bond or
13 bonds issued pursuant to the provisions of this ordinance;
14 or

15 (e) A reduction in the aggregate principal amount
16 of the bonds required for consent to such supplemental
17 ordinance.

18 The holders of not less than sixty-six and two-thirds per cent
19 (66-2/3%) in aggregate principal amount of the bonds outstanding
20 at the time of adoption of such supplemental ordinance shall have
21 consented to and approved the adoption thereof by written instru-
22 ment to be maintained on file in the office of the City Clerk of
23 the City of Fort Wayne. No holder of any bond issued pursuant to
24 this ordinance shall have any right to object to the adoption of
25 such supplemental ordinance or to object to any of the terms and
26 provisions contained therein or the operation thereof, or in any
27 manner to question the propriety of the adoption thereof, or to
28 enjoin or restrain the Common Council of the City of Fort Wayne
29 from adopting the same, or from taking any action pursuant to the
30 provisions thereof. Upon the adoption of any supplemental
31 ordinance pursuant to the provisions of this section, this
32 ordinance shall be, and shall be deemed, modified and amended in
33 accordance therewith, and the respective rights, duties and
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obligations under this ordinance of the City of Fort Wayne and all holders of bonds issued pursuant to the provisions of this ordinance then outstanding, shall thereafter be determined exercised and enforced in accordance with this ordinance, subject in all respects to such modifications and amendments. Notwithstanding anything contained in the foregoing provisions of this ordinance, the rights and obligations of the City and of the holders of the bonds authorized by this ordinance, or any supplemental ordinance, may be modified or altered in any respect with the consent of the City of Fort Wayne and the consent of the holders of all the bonds issued pursuant to this ordinance then outstanding.

Section 15. All ordinances and parts of ordinances in conflict herewith are hereby repealed; provided, however, that none of the provisions of this ordinance shall be so construed as to repeal or modify the provisions of General Ordinances No. G-95-67, as amended by General Ordinances No. G-104-67 and No. G-110-67 and General Ordinance No. G-29-68, so as to affect adversely the rights, interests or priorities of the holders of the outstanding revenue bonds issued pursuant to said ordinances.

Section 16. This ordinance shall be in full force and effect from and after its passage.

Councilman

Read the third time in full and on motion by

, seconded by

and duly adopted, placed on its passage. Passed on the following vote:

Ayes:

Nays :

Absent:

Date:

City Clerk

1 Passed and adopted by the Common Council of the City of
2 Fort Wayne, Indiana, as Ordinance No. _____ on the _____ day
3 of _____, 197__.

4 _____
5 Presiding Officer

6 Attest:

7 _____
8 City Clerk

9 Presented by me to the Mayor of the City of Fort Wayne,
10 Indiana, on the _____ day of _____, 197__, at the hour of
11 _____ .M., E.S.T.

12 _____
13 City Clerk

14 Approved and signed by me this _____ day of
15 _____, 197__, at the hour of _____ .M.,
16 E.S.T.

17 _____
18 Mayor

BILL NO-G-78-09-28

General

ORDINANCE NO. ~~G-78-09~~

4-27-78

09-76

An Ordinance amending General Ordinance No. G-~~78-09~~ establishing rates and charges for the use of and services rendered by the waterworks system of the City of Fort Wayne, and repealing all ordinances or parts of ordinances in conflict therewith.

WHEREAS, the Common Council of the City of Fort Wayne has authorized the making of extensions and additions to the existing waterworks system of said City for the purpose of providing an adequate water supply of desirable quality and at proper pressure to the users of the City's waterworks and properly protecting the health, well-being and property of said City and its inhabitants and water users; and

WHEREAS, in order to procure the necessary funds to pay the cost of construction and installation of said extensions and additions, it is necessary for the City to issue and sell waterworks revenue bonds payable solely out of the revenues of said waterworks system, which revenues under the existing schedule of rates and charges are insufficient to enable the City to finance the needed extensions and additions; and

WHEREAS, the Common Council now finds that the existing rates and charges for the use of and service rendered by the waterworks of said City are too low and are insufficient to enable the City to properly operate its waterworks plant, provide for depreciation, and finance said extensions and additions; that the proposed extensions and additions will improve the service rendered by said waterworks system and make the same of greater value to the City, its inhabitants and water users, and that the existing rates and charges should be increased; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That Section 1 of the General Ordinance

No. 09-76, entitled "An Ordinance establishing rates and charges for the use of and services rendered by the waterworks system of the City of Fort Wayne, and repealing all ordinances or parts of ordinances in conflict therewith", adopted March 9, 1976, be and the same is hereby amended to read as follows:

Section 1. That there shall be and hereby are established for the use of and the service rendered by the waterworks system of the City of Fort Wayne the following rates and charges based on the use of water supplied by said waterworks system:

(a)	<u>Metered Rates Per Month</u>	<u>100 Cubic Feet</u>
	First 500 cubic feet	\$.912
	Next 1,500 cubic feet	.703
	Next 2,500 cubic feet	.587
	Next 7,500 cubic feet	.541
	Next 18,000 cubic feet	.464
	Next 20,000 cubic feet	.394
	Next 50,000 cubic feet	.348
	Next 50,000 cubic feet	.278
	Over 150,000 cubic feet	.255

(b) Minimum Charges

Each user shall pay a minimum monthly charge based on the size of meter installed, for which the user will be entitled to the quantity of water set out in the metered schedule of rates.

<u>Size of Meter</u>	<u>Per Month</u>
5/8 inch	\$ 4.56
3/4 inch	7.11
1 inch	11.59
1-1/2 inch	23.11
2 inch	35.55
3 inch	71.11
4 inch	118.33
6 inch	224.84
8 inch	328.80
10 inch	493.11

(c) Municipal Service to the City of Fort Wayne

For each fire hydrant - per annum \$ 151.49

(d) Private Fire Protection Service

Per annum - Fire Hydrant	\$ 151.49
2 inch	27.51
3 inch	62.88
4 inch	112.66
6 inch	255.45

8 inch	453.26
10 inch	707.40
12 inch	1,020.49
16 inch	1,813.04

- (e) All Charges for service to customers situated outside the corporate limits of the City of Fort Wayne having availability for all of the foregoing tariffs shall be one hundred thirty-five per cent (135%) of the charges computed by application of the foregoing tariffs.

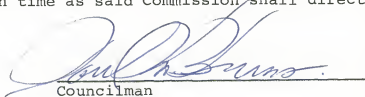
(f) Collection or Deferred Payment Charge

All bills for water services not paid within fifteen (15) days from the due date thereof, as stated in such bills, shall be subject to a collection or deferred payment charge of 10% on the first \$3.00 and 3% on the excess over \$3.00.

Section 2. Utility rates and regulations for water services shall be determined from time to time as the need may occur by the Board of Public Works of the City of Fort Wayne.

Section 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed; provided, however, that the existing schedule of water rates and charges shall remain in full force and effect until the schedule of rates and charges fixed by this ordinance shall be approved by the Public Service Commission of Indiana, and until such time as the order of said Commission approving said new rates and charges shall direct.

Section 4. This ordinance shall be in full force and effect from and after its passage; provided, however, that the schedule of rates and charges herein set out shall not become effective unless approved by the Public Service Commission of Indiana, or until such time as said Commission shall direct.


Councilman

Read the third time in full and on motion by _____
_____, seconded by _____, and duly adopted,
placed on its passage. Passed by the following vote:

Ayes:

Nays:

Absent:

Date:

City Clerk

Passed and adopted by the Common Council of the City
of Fort Wayne, Indiana, as Ordinance No. _____ on the
_____ day of _____, 1978.

Presiding Officer

Attest:

City Clerk

Presented by me to the Mayor of the City of Fort
Wayne, Indiana, on the _____ day of _____, 1978,
at the hour of _____ .M., E.S.T.

City Clerk

Approved and signed by me this _____ day of
_____, 1978, at the hour of _____ .M.,
E.S.T.

Mayor

Approved as to form and legality by:

William T. Salin
City Attorney

Read the first time in full and on motion by Burns, seconded by

Hinga, and duly adopted, read the second time by title and referred to the Committee on City Utilities (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 9/12/78

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage.

PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>0</u>	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>HINGA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HUNTER</u>	<u>✓</u>	_____	_____	_____	_____
<u>MOSES</u>	<u>✓</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 9-26-78

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (~~ANNEXATION~~) (~~SPECIAL~~) (~~APPROPRIATION~~) ORDINANCE

(RESOLUTION) No. 9-27-78 on the 26th day of September, 1978

ATTEST: (SEAL)

Charles W. Westerman
CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of September, 1978, at the hour of 11:30 o'clock A. M., E.S.T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this 28th day of September, 1978, at the hour of 10 o'clock _____ M., E.S.T.

Robert Elmschong
MAYOR